



City of Hawaiian Gardens Zoning Code

Prepared for:

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ACKNOWLEDGEMENTS

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TABLE OF CONTENTS

SECTION	PAGE
CHAPTER 18.10 GENERAL PROVISIONS.....	1
18.10.010 Title.....	1
18.10.020 Purpose and Intent.....	1
18.10.030 Scope and Compliance.....	2
CHAPTER 18.20 DEFINITIONS.....	5
18.20.010 General Interpretation.....	5
18.20.020 Use of Terms.....	5
18.20.030 Definitions.....	6
18.20.040 Code Interpretation.....	45
CHAPTER 18.30 ZONING MAP.....	47
18.30.010 Text and Official Zoning Map.....	47
18.30.020 Zone Boundaries.....	48
CHAPTER 18.40 RESIDENTIAL ZONES.....	49
18.40.010 R-1:10,000 - Single Family Estate Zone.....	49
18.40.020 R-1 - Single Family Residential Zone.....	51
18.40.030 R-2 - Medium Density Residential Zone.....	53
18.40.040 R-3 - Intermediate Density Residential Zone.....	55
18.40.050 R-4 - High Density Residential Zone.....	57
18.40.060 MHP - Mobilehome Park Zone.....	59
18.40.070 Uses Permitted In Residential Zones.....	61
CHAPTER 18.50 RESIDENTIAL REGULATIONS.....	67
18.50.010 Parking and Loading Requirements.....	67
18.50.020 Landscaping and Screening.....	76
18.50.030 Trash and Recycling Enclosures.....	78
18.50.040 Fences, Walls, Gates, and Hedges.....	79
18.50.050 Lighting and Security.....	81
18.50.060 Outdoor Storage and Display.....	81
18.50.070 Height of Structures.....	83
18.50.080 Yard Encroachments.....	83
18.50.090 Property Maintenance.....	85
18.50.100 Residential Design Standards and Guidelines.....	87
CHAPTER 18.60 NON-RESIDENTIAL ZONES.....	93
18.60.010 C-2 - Downtown Commercial Zone.....	93
18.60.020 C-4 - General Commercial Zone.....	95
18.60.030 M-1 - Light Industrial Zone.....	97
18.60.040 PF - Public Facilities Zone.....	99
18.60.050 Uses Permitted in Non-Residential Zones.....	101
CHAPTER 18.70 NON-RESIDENTIAL REGULATIONS.....	111
18.70.010 Parking and Loading Requirements.....	111
18.70.020 Landscaping and Screening.....	121

TABLE OF CONTENTS

18.70.030	Trash and Recycling Enclosures.....	124
18.70.040	Fences, Walls, Gates, and Hedges.....	126
18.70.050	Lighting and Security.....	127
18.70.060	Outdoor Storage , Display and Uses.....	128
18.70.070	Height of Structures.....	129
18.70.080	Property Maintenance.....	129
18.70.090	Non-Residential Design Guidelines.....	131
18.70.100	Mixed Use Projects.....	135
18.70.110	Temporary Emergency Shelters.....	136
CHAPTER 18.80	SPECIAL ZONES.....	139
18.80.010	CC – Card Club Overlay Zone.....	139
18.80.020	PD - Planned Development Overlay Zone.....	141
18.80.030	SP - Specific Plan Zone.....	142
18.80.040	BC – Bingo Club Overlay Zone.....	143
CHAPTER 18.90	SUPPLEMENTAL REGULATIONS.....	145
18.90.010	Satellite Dishes and Other Antennas.....	145
18.90.020	Solar Energy and Solar Access.....	146
18.90.030	Utilities and Infrastructure.....	147
18.90.040	Animal Keeping and Household Pets.....	148
18.90.050	Signs and Advertising Requirements.....	148
18.90.060	Condominiums and Condominium Conversions.....	158
18.90.070	Density Bonuses.....	164
18.90.080	Accessory Dwelling Units.....	169
18.90.090	Granny Units.....	175
18.90.100	Guest House.....	176
18.90.110	Accessory Uses and Structures.....	176
18.90.120	Vision Clearance Area.....	177
18.90.130	Outdoor Dining.....	178
18.90.140	Child Day Care Facilities and Centers.....	179
18.90.150	Garage and Yard Sales.....	180
18.90.160	Multiple Tenant Occupancies.....	181
CHAPTER 18.100	ADMINISTRATION.....	183
18.100.010	Authority.....	183
18.100.020	Administrative Procedures.....	185
18.100.030	Site Plan Review and Approval.....	191
18.100.040	Administrative Review and Approval.....	194
18.100.050	Minor Use Permit.....	197
18.100.060	Minor Exceptions.....	199
18.100.070	Home Occupation Permit and Standards.....	201
18.100.080	Temporary Use Permit and Standards.....	204
18.100.090	Conditional Use Permit.....	207
18.100.100	Variances.....	210
18.100.110	Specific Plans.....	212
18.100.120	Development Agreements.....	213
18.100.130	Nonconforming Uses and Structures.....	216
18.100.140	Zone Change and Zoning Code Amendments.....	221

TABLE OF CONTENTS

18.100.150 Permit Amendments and Modifications..... 224
18.100.160 Suspension or Revocation of Discretionary Permits..... 225
18.100.170 Appeals. 226
18.100.180 Enforcement. 227
18.100.190 Reasonable Accommodations 229

TABLE OF CONTENTS

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18.10.010	Title.
18.10.020	Purpose and Intent.
18.10.030	Scope and Compliance.

CHAPTER 18.10 GENERAL PROVISIONS

18.10.010 Title.

This Title shall be known and may be referred to as the “City of Hawaiian Gardens Zoning Code” or “Zoning Code”.

18.10.020 Purpose and Intent.

A. Purpose. This Zoning Code is adopted for the purpose of promoting the public health, safety and general welfare, pursuant to Section 7 of Article XI of the California Constitution, the State Planning and Zoning Law (Government Code Section 65000 et seq.), the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable State laws.

B. Intent. This Zoning Code is intended to achieve the following objectives:

1. To implement the City of Hawaiian Gardens General Plan;
2. To provide a precise guide for the development, redevelopment, and use of land in the City;
3. To secure for the residents of the City the social and economic advantages resulting from the planned and orderly use of its land resources;
4. To classify, designate, regulate, and encourage the type, location, and use of buildings, structures, and land;
5. To establish conditions that allow desirable land uses to exist in harmony and to protect them from intrusion by inharmonious or harmful land uses;
6. To prevent undue intensity of land use or development, to avoid population overcrowding, to maintain a suitable balance between developed land and open space;
7. To permit the development of office, retail, commercial, industrial, and transportation related uses , in order to strengthen the City’s economic base;
8. To ensure that adequate off-street parking and loading facilities are provided and to promote a safe and effective traffic circulation system;
9. To ensure that the demands do not exceed the capacities of existing streets, utilities, or public services; and
10. To protect the health and general welfare of the community by regulating the relationships of land uses to each other and promoting land use compatibility.

CHAPTER 18.10: GENERAL PROVISIONS

18.10.030 Scope and Compliance.

- A. Scope.** This Zoning Code shall apply to properties, uses and structures of all private persons, public and private agencies and organizations, as found and conducted within the boundaries of the City of Hawaiian Gardens.
- B. Compliance Required.** No uses or structures shall be established, occupied, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformity with this Zoning Code or other local, state or federal statute. Any permit, license certificate or approval granted in conflict with this Zoning Code shall be void and compliance with the provisions of this Zoning Code shall be required.
- C. Limitations on Validity of Permits.** The issuance or granting of any permit or approval shall not be construed as an approval of any violation of any provision of this Zoning Code. The issuance of such a permit shall not prevent the City from thereafter requiring the correction of violations of this Zoning Code or of any other ordinance of the City.
- D. Conflict with Other Regulations.** Whenever a provision of this Zoning Code and other City regulation imposes overlapping or contradictory requirements, the provision that is more restrictive or imposes a higher standard shall control, except as otherwise expressly provided in this Zoning Code.
- E. Business License.** No business license shall be issued unless the Community Development Director has determined that the use is in compliance with this Zoning Code.
- F. Utility Connections.** The Building Inspector shall not authorize connection of any utilities, such as electrical energy, until there is compliance with all the provisions of this Zoning Code.
- G. Certificate of Occupancy.** A Certificate of Occupancy shall be required for each new occupancy or change in an existing occupancy. Both the Community Development Director and the Building Official shall sign the Certificate of Occupancy.
- H. Severability.** *If any* chapter, section, subsection sentence, clause, or phrase of this Zoning Code is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Zoning Code. The City Council hereby declares that it would have adopted this Zoning Code and each chapter of this Zoning Code thereof, irrespective of the fact that any portion of this Zoning Code might be declared invalid.
- I. Prior Agreements and Approvals.**
- 1. Development Agreements.** Notwithstanding any provision of this Zoning Code, any development agreement that is valid as of the date of adoption of this Zoning Code shall remain in full force and effect until expiration of said agreement. For the purposes of the specific project approved in such a development agreement, permitted land uses, development standards, and other provisions specified in the development agreement shall supersede the provisions of this Zoning Code until expiration, alteration, or expansion.
 - 2. Approved Development Projects and Permits.** The development authorized under any specific plan, site development permit, grading permit, building permit, sign permit, or similar entitlement that was issued or vested pursuant to earlier ordinances of the City now in conflict with this

CHAPTER 18.10: GENERAL PROVISIONS

- Zoning Code, may be completed in accordance with the laws and regulations in effect at the time the permit or entitlement was vested. However, that development shall be considered non-conforming and subject to the provisions in *Chapter 18.100.130, Nonconforming Uses and Structures*, of this Zoning Code. Any project or permit requiring a time extension or substantial modifications to the original application shall conform to the requirements and standards of this Zoning Code. Determinations as to whether modifications are substantial shall be made by the Community Development Director.
3. *Approved Subdivision Maps.* Any tentative tract or parcel map approved pursuant to earlier ordinances of the City now in conflict with this Zoning Code may be completed in accordance with the provisions of its approval, provided the approval has not expired, the development is completed within the time limit in effect at the time of its approval without extension of time therefore, and it complies with all other laws and regulations in effect at the time of its approval. Final tract and parcel maps shall be consistent with approved tentative tract or parcel maps and any applicable conditions of approval.
- J. *General Plan Density and Intensity.*** The density and intensity limitation established in the Land Use Element of the Hawaiian Gardens General Plan shall apply to each parcel within the City. This Zoning Code and the City's individual project approvals shall determine the exact development intensity of each project within the foregoing General Plan range. The City reserves the right to limit projects to intensities below the General Plan's upper limits in order to obtain compliance with applicable development standards of the underlying zone. When calculating densities for a particular parcel results in a fractional number, the fraction shall be rounded down to the next whole number.
- K. *Building Across Property Lines.*** Provided that legal parcels of record are owned by the same property owner, a building that establishes the main use may be developed across property lines provided that the properties are merged into one parcel.
- L. *Minimum Requirements.*** The regulations contained in this Zoning Code are the minimum requirements necessary to accomplish the purposes set forth in the General Plan.
- M. *Enforcement.*** The Community Development Director or designee shall be responsible for enforcing the provisions of this Zoning Code.

CHAPTER 18.10: GENERAL PROVISIONS

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18.20.010	General Interpretation.
18.20.020	Use of Terms.
18.20.030	Definitions.
18.20.040	Code Interpretation.

CHAPTER 18.20 DEFINITIONS

18.20.010 General Interpretation.

The purpose of these definitions is to promote consistency and precision in the interpretation of this Zoning Code. The meaning and construction of words and phrases as set forth shall apply throughout this Zoning Code except where the context of such words or phrases clearly indicates a different meaning or construction.

Any word or phrase not listed in this Zoning Code that is in question when administering these zoning regulations shall be defined from one of the following sources that are incorporated herein by reference. These sources shall be utilized in the order in which they are listed below.

- A. Any applicable statute or regulation of the State of California;
- B. Any term defined from applicable California State case law;
- C. Other regulations of the City of Hawaiian Gardens Municipal Code;
- D. Any other City of Hawaiian Gardens resolution, ordinance, or policy;
- E. Black’s Law Dictionary; and
- F. Webster’s Dictionary

18.20.020 Use of Terms.

- A. ***Rules for Construction of Language.*** The following general rules of construction shall apply to the textual provisions of this Zoning Code:
- 1. The specific shall supersede the general.
 - 2. The word “shall” is mandatory. The word “may” is permissive. The word “should” identifies a regulation or design guideline that must be followed in the absence of compelling opposing considerations identified by the City decision-making body.
 - 3. In the case of any difference of meanings or implication between the text regarding a provision of the Zoning Code and any title, heading, caption or illustration, the text shall control.
 - 4. Unless the context clearly indicates otherwise, words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular.
 - 5. Unless the context clearly indicates otherwise, certain conjunctions shall be interpreted as follows:
 - a. “And” indicates that all connected items or provisions shall apply.
 - b. “Or” indicates that the connected items or provisions may apply individually or in any combination.

CHAPTER 18.20: DEFINITIONS

c. "Either...or" indicates that the connected items or provisions shall apply, but not in combination.

6. Unless otherwise indicated, all public officials, bodies and agencies to which reference is made are those of the City of Hawaiian Gardens.

B. Time Periods. The use of the term "days" to describe a specific time period does not include the day the action was taken but includes all subsequent calendar days, unless the last day falls upon a Saturday, Sunday or a legal City holiday, in which case the next calendar day shall be the last day of the time period.

18.20.030 Definitions.

A Abandon. To intentionally give up, leave, cease to use, operate occupy, or relinquish all interest or ownership of property or other items.

Abandoned Vehicle. A vehicle that the most recent registered owner has abandoned and/or a vehicle in which the most recent registered owner has ceased to maintain, repair or keep up; and/or any vehicle left unattended on private property without the consent of the owner or lessee of such property or his or her legally authorized agent.

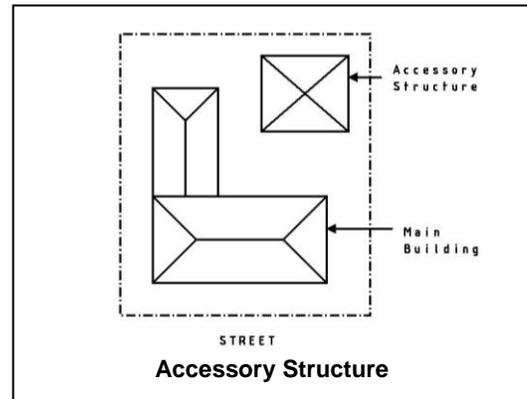
Abut. Having boundaries or lot lines in common.

Access. A passage, way, street or driveway that pedestrians and/or automobiles use for entry and exit to a lot or property.

Accessory Dwelling Unit. A detached or attached residential dwelling unit on the same lot as the primary dwelling unit, as regulated in Section 18.90.80 of this Title.

Accessory Structure or Building. A structure, detached from the main building located on the same lot and that serves a secondary purpose to the main building but does not include any habitable living space. Portable structures, including canvas covered parking structures are considered accessory structures. A garage shall not be classified as an accessory building.

Accessory Use. A use that is incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.



Adjacent. Having two or more objects near each other or having two or more lots separated by an alley, street, highway, or easement.

Administrative Approval. A written decision by the Community Development Director to authorize the development of a use or the operation of an activity.

Administrative Review. A decision-making process involving the judgment of the Community Development Director when applying specific decision criteria and requirements.

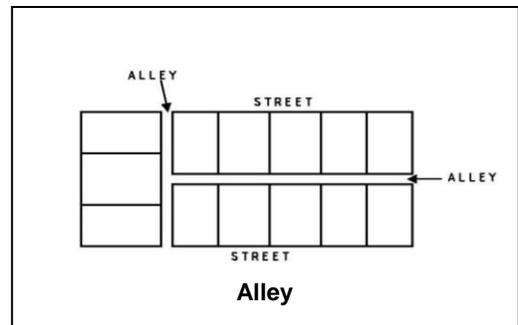
CHAPTER 18.20: DEFINITIONS

Adult Business or Sexually Oriented Business. Establishments that are conducted for the patronage of adults, and where minors are excluded by law or by the operators of the business. These uses are predominantly distinguished or characterized by an emphasis on entertainment, goods, devices, or services, that are sexually explicit in nature and may, pursuant to existing laws, be offered only to persons over the age of 18 years. Adult businesses include, but are not limited to, adult arcades, adult bookstores, adult cabarets, adult motel, adult motion picture theaters, adult novelty stores, escort services, gentleman's club, massage parlors, and public bathhouses.

Affordable Housing. Housing that falls within guidelines established by the State Department of Housing and Community Development for affordability to very low, low and lower-income households, as determined by the household income level and number of members in the household, in relation to the area median income for the County. Median income limits are established by the State Department of Housing and Community Development, and may be amended from time to time.

Alley. A public or private right-of-way used as secondary access for pedestrians, vehicles, or utility lines to abutting lots.

Alteration. A physical change or variation of the structural or architectural features or visual characteristics of a building or structure, including changes in paint, color or surface texture; site grading or surface paving; moving or removing interior walls and partitions; adding new structures or rooms; cutting or removing trees or other natural features; and placement of objects that affect exterior qualities of a property, such as signs, plaques, light fixtures, street furniture, walls, fences, steps, planting or landscaping.



Ambient Noise Level. The overall noise level within an area, as a composite of sounds from all sources in and near the area.

Amendment. A change in the wording, text, context, or substance of this Zoning Code; a change in the zoning map; a change to the official controls of the City of Hawaiian Gardens Zoning Code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the Community Development Director, the Planning Commission, or the City Council.

Animal Raising and Breeding. The keeping of animals on a lot for grazing, breeding, raising, training or other personal use of the residents of the property.

Animal Hospital. See Veterinary Clinic.

Antenna. A device for transmitting or receiving radio, television, satellite, telephone, microwave, or any other transmitted signal, including equipment attached to a tower or building for the purpose of providing personal wireless services. This includes unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for cellular, enhanced specialized mobile radio, personal communications services, facilities for the transmission and reception of radio or microwave signals

CHAPTER 18.20: DEFINITIONS

used for communication, cellular phone, personal communications services, and enhanced specialized mobile radio. See Wireless Communication Facility.

Antenna Height. The vertical distance measured from the base of the antenna support structure to the highest point of the antenna. Measurement of telecommunication tower height shall include the antenna, base pad, and other appurtenances and shall be measured from the finished grade at the base of the tower to the highest point of the wireless communication facility including all antenna attached to the structure.

Monopole. A device for transmitting or receiving radio, television, satellite, microwave, or any other transmitted signal that takes the form of a single pole. This includes similar devices with camouflaged or concealed telecommunications design, and disguised as pine trees, palm trees, flagpoles, and other structures.

Apartment. A room or group of rooms, not owner-occupied, that includes kitchen facilities and is rented by one household for living and sleeping purposes.

Apartment House. A structure with three or more dwelling units used by three or more households living independently.

Efficiency Apartment. A dwelling unit with a room and bath within a multiple dwelling structure, with or without kitchen facilities.

Community Apartment. A development in which an undivided interest in land coupled with the right of exclusive occupancy of any apartment located thereon.

Area. The floor area or land area contained within set boundaries.

Net Lot Area. Area of the lot excluding existing or proposed highways, streets or alleys and other easements where the property owner does not have the right to use that portion of the lot.

Buildable Area. The portion of the lot that may be occupied by buildings and excludes all required front, side and rear setback areas, minimum open space and lot coverage requirements, and other areas where structures are prohibited.

Floor Area. The total horizontal area within a building, as measured from the exterior surfaces of the outside walls, including all floors above or below the ground level, and excluding vent shafts, courts, and parking areas.

Livable Floor Area. Also Living Area. The interior areas of a dwelling unit that may be occupied for living purposes by humans, including basements and attics. It does not include a garage or accessory structure.

Arcade. An establishment containing three or more video or electronic amusement devices.

CHAPTER 18.20: DEFINITIONS

Architectural Feature. An architectural element of a building or structure that embodies the style, design, or general arrangement, including exterior surface treatments, colors, texture, building materials, and type and style of windows, doors, lights, signs, and other appurtenant fixtures.

Assembly. A gathering of persons at one location for a common purpose or agenda. Also Public Assembly.

Attached Dwelling. A structure containing two or more dwelling units, generally one or two stories in height. All units have ground floor access and are joined to one another only by party walls or a common roof. Examples are townhouses, triplexes, and fourplexes.

Attached Structures. Two or more structures that are physically connected with at least five feet of common wall.

Auditorium. A room for public assembly, lectures, entertainment, dance, or similar uses.

Authorized Agent of Owner. A person who has written permission to act for, make commitments for, speak for, or make representations for the owner of a property.

Automobile Repair. The servicing of automobiles, including mechanical servicing and body work.

Automobile Sales Area. Also, *Truck Sales Area, Trailer Sales Area, or Boat Sales Area.* An open area or building used for the display or sales of new or used automobiles, trucks, trailers, or boats.

Automobile Service Station. Also Gas Service Station or Service Station. A building or area used primarily for the retail sale of gasoline and other motor fuels and the incidental sale of goods and services for the day-to-day operation of vehicles. This includes facilities with grease racks, tire repairs, battery charging, hand car wash, sale of products and supplies related to vehicle services. It excludes automobile body and fender work, auto painting, engine overhauling, and any other major auto repair activities.

Automobile Trailer. A vehicle, other than a motor vehicle, designed to be drawn by a motor vehicle and that is used for carrying goods and property.

Automobile Washing. Washing, waxing, and cleaning of automobiles or similar vehicles.

Awning. A roof-like cover that is attached and projects from the exterior wall of a building and located above a window or door, which is provided for decorative purposes or serves as a shield from sun or rain.

B Bachelor Apartment. See Apartment, Efficiency.

Balcony. A platform projecting from the upper story of a structure and enclosed by a railing or balustrade, with or without direct access to the structure it is attached to.

Basement. A room or group of rooms that has a floor level that is partly or completely below the outside ground level.

CHAPTER 18.20: DEFINITIONS

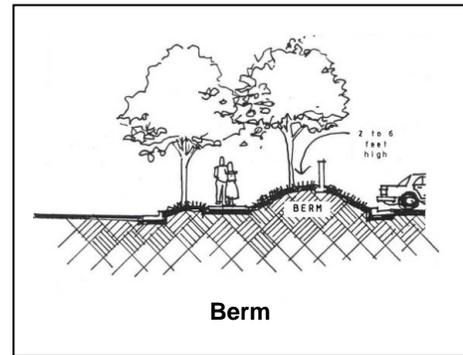
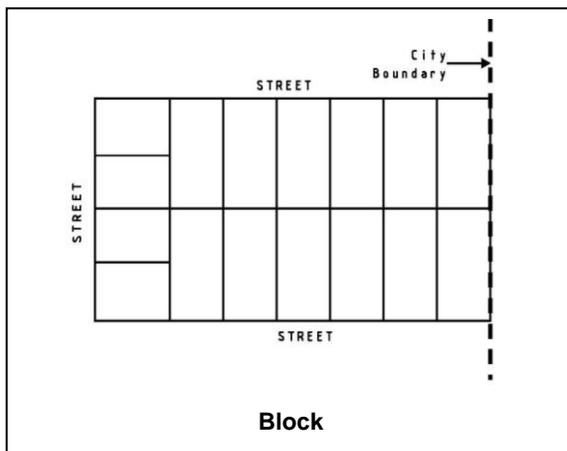
Bed and Breakfast Inn. A house, or portion thereof, where short-term stay lodging rooms and meals are provided, with the operator of the inn living on the premises or adjacent premises.

Bedroom. Any habitable room that may be used for sleeping purposes other than a kitchen, bathroom, hallway, dining room, or living room.

Berm. A mound or embankment of earth.

Billboard. See Sign.

Block. A parcel or parcels of land bounded on all sides by streets, rights-of-way (except alleys), waterways, greenbelts, terminus of dead end streets, or City boundaries.



Boarding House. A structure used for residential purposes, other than a hotel, with access provided through a common entrance to guest rooms that have no cooking facilities, in which lodging and meals are provided for compensation.

Branch Post Office. A government-operated subdivision of a Main Post Office Station serving as a base for one or more carrier routes and

providing customary customer postal service. A branch post office may be incorporated as a part of another commercial use.

Buffer. An area used to screen the visual, noise, light, and other nuisances of one land use from adjacent properties or roadways.

Building. Any structure having a roof supported by columns, posts, or walls and used for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind, excluding vehicles even though immobilized.

Building Area. The areas of the exterior horizontal projections of all buildings on a lot, excluding pergolas, steps, chimneys, eaves, buttresses, cornices, unenclosed and unroofed terraces, patios, unenclosed private balconies not used for access and minor ornamental features projecting from the walls of the building and not directly supported by the ground.

Building Component. Any subsystem, subassembly, or other system designed for use in, or as part of, a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety. However, "building component" does not include appliances or equipment, such as heaters, stoves, refrigerators,

or air conditioners that have been listed and labeled by an approved testing and listing agency.

Building Coverage. The percentage of the lot area that is covered by all the buildings on the lot, as seen from a plan view.

Building Facade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Building Height. The vertical distance measured from the highest point of the structure to the existing grade, excluding chimneys, flagpoles, and masts.

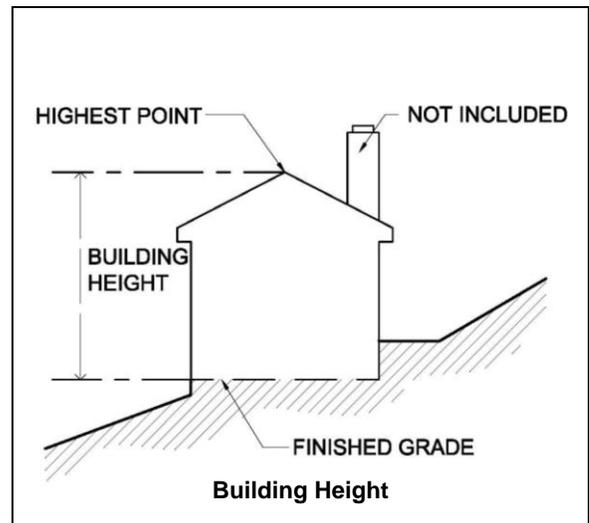
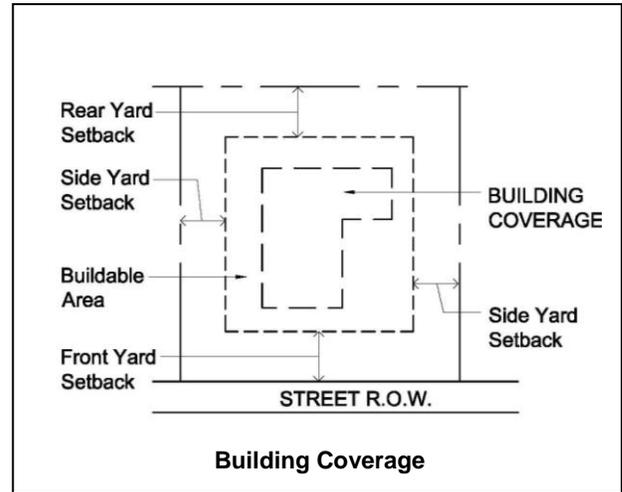
Building Line. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices, decks and other ornamental features projecting from the walls of the building or structure.

Building Projection. A marquee, porch, canopy, building eave, or similar projection of a building.

Building System. “Building system” means plans, specifications, and documentation for a system of manufactured building, or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety, including variations that are submitted as part of the building system.

Building Materials, Retail Sales. Retailing of building supplies, tools, or equipment where the display, sales, and storage activity occurs indoors. Does not include building contractors' storage yards, vehicle/equipment sales, leasing, and services, or the fabrication and installation of products (e.g., drapery shops, door and window shops, glass shops, cabinet shops, and similar businesses).

Building Code. The regulations that govern building and construction standards, including but not limited to the structural, electrical, mechanical, swimming pool, plumbing, grading and fire codes.



CHAPTER 18.20: DEFINITIONS

Buy-back Recycling Center. A business without industrial activity and consisting of buildings with a gross floor area less than 5,000 square feet, which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of sorting, grading, or packaging recyclable materials for subsequent shipment and marketing. Examples of buy-back recycling centers include small-scale glass or aluminum buy-back centers. Uses such as automotive part rebuilding and/or salvage or reusable camera reloading are not considered buy-back recycling centers.

C Camper. A structure mounted on wheels or a motor vehicle and providing facilities for camping or temporary living quarters.

Camping. Erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

Canopy. A temporary prefabricated accessory structure covered with a collapsible material (e.g. canvas plastic sheeting, etc.) that meets the required fire rating supported by a frame.

Card Club or Casino. A business or enterprise licensed by the City, where legal gaming is conducted. This includes card rooms and other facilities wherein games are played with cards or other devices for money, checks, credits, or any other thing of value.

Caretaker. A person who lives on the premises for the purpose of managing, operating, maintaining or guarding the principal use or uses permitted on the site.

Carport. A permanently roofed structure with no more than two enclosed sides that is used for vehicle storage and shelter.

Catering Services. Preparation and delivery of food and beverages for off-site consumption without provisions for on-site pick-up or consumption.

Cellar. A portion of a building that has a floor level below the finished grade and has a floor area less than one half of the floor immediately above it.

Cellular Communication Facility. See Wireless Communication Facility.

CEQA. The California Environmental Quality Act (Public Resources Code 21000 et seq.).

Certificate of Concurrency. A written document issued by a service provider indicating availability of service capacity that is sufficient for a specific development project on a specific property. Also a “will-serve” letter.

Certificate of Occupancy. A certificate issued by the City prior to occupancy of the structure or establishment of a land use to assure that the structure or parcel is ready for occupancy or use and that all ordinance requirements and project conditions of approval have been fulfilled.

Character. The distinctive features or attributes of buildings, uses, and site design on adjacent properties and in the vicinity as required in the General Plan; including, but not limited to, building

CHAPTER 18.20: DEFINITIONS

facade, building length, building modulation, building height, building location, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount of parking, location of parking, fencing type, fencing height, location of fencing, and intensity of uses.

Charitable Use. Use by non-profit organizations to administer charity consistent with the existing laws for the benefit of an indefinite number of persons.

Child Care Center or Facility. A facility that provides non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child care facility includes day care centers, employer-sponsored child care centers, and family day care homes. Child Care Center operations are regulated by Section 1596.70 et seq. of the State Health and Safety Code (California Child Day Care Facilities Act).

Day Care Center. Any child day care facility other than a family day care home, and includes infant centers, preschools, and extended day care facilities.

Family Day Care Home. A home that is licensed by the State to regularly provide care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away. A Large Family Day Care Home provides family day care for 9 to 14 children, including children under the age of 10 years who reside at the home. A Small Family Day Care Home provides family day care for 8 or less children, including children under the age of 10 years who reside at the home.

Home Based Day Care. A facility licensed by the State that regularly provides care for a period of less than 24 hours per day and is located in an owner-occupied dwelling unit.

Christmas Tree Sales. Retail sales of Christmas trees conducted between Thanksgiving and December 26th of each calendar year.

Church. A building or group of buildings that is used for the assembly of persons to conduct regular religious worship, religious services, or other religious activities, and is maintained and controlled by a church, religious body, religious denomination or religious organization, or other group organized to support public worship.

City. The City of Hawaiian Gardens.

City Council or Council. The City Council of the City of Hawaiian Gardens.

Clinic. A place for outpatient medical services, including pharmacies and dental or medical laboratories.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests.

Clustered Development. A development or division of land in which buildings or lots are reduced in size and concentrated in specified portions of the original lot, tract or parcel in order to allow for common areas for open space or recreational uses.

Code. The Zoning Code of the City of Hawaiian Gardens.

CHAPTER 18.20: DEFINITIONS

Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment, including theaters, cinemas, sports stadiums, and arenas, convention centers, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf courses, swimming pools, public hot tubs, tennis/racquetball courts, and game arcades to electronic game centers having more than three game machines.

Commercial Vehicle. Any motorized vehicle, including, but not limited to, a car, truck, truck trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, etc., that is used in the operation of a business to store, transfer, or deliver goods or people.

Commission. The Planning Commission of the City of Hawaiian Gardens, unless another commission is specified.

Communications Facilities. Broadcasting, recording and other communications services accomplished through electronic or telephonic mechanisms, but excluding major utilities. This includes radio and television facilities, recording studios, telephone switching centers, and telegraph offices.

Community Care Facility. A licensed facility providing non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or both, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children and as defined under the California Community Care Facilities Act.

Adult Day Care Facility. Any facility that provides non-medical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

Foster Family Home. A residential facility providing 24-hour care for six or fewer foster children.

Small Family Home. A licensed facility, in the licensee's family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

Group Home. A group care facility that provides for 24-hour non-medical care of persons, under 18 years of age, who are in need of personal services, supervision, or assistance that is essential for sustaining the activities of daily living, or for the protection of the individual on a short-term basis.

Composting Facility. Facilities that compost organic material to produce a marketable product useful for reuse. Generally it is a solid waste facility specializing in the composting of one or more organic materials of a known and consistent composition, other than mixed municipal waste, to

produce a marketable produce for reuse or as a soil conditioner. Feed stocks may include, but are not limited to, yard waste, biosolids, or food waste.

Conditional Use. A use that is permitted subject to the issuance of a Conditional Use Permit.

Conditional Use Permit. A discretionary entitlement granted under the provisions of this Zoning Code, which authorizes a specific use for a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium. An undivided interest in common areas of a property, together with a separate interest in a space in a residential or commercial building on the property.

Condominium Common Area. The areas of the condominium project except those units held as separate interest or under right of exclusive occupancy, and except those portions of the condominium project further specifically excluded.

Condominium Conversion. The conversion of a single ownership parcel of existing improved real property, such as an apartment project, into a condominium form of ownership involving separate ownership of individual dwelling units, or right of exclusive occupancy of such individual units.

Condominium Owners Association. An organization of persons who own condominium units or the right of exclusive occupancy in a condominium development that is established by the organizational documents of the condominium project in part for purposes of operating and maintaining the common areas.

Condominium Stock Cooperative. A corporation that is formed primarily for the purpose of holding title to improved real property. All or substantially all of the shareholders or members of such cooperative receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy.

Condominium Unit. A unit of a condominium project that is not owned in common with the owners of the condominium project.

Residential Condominium. A condominium that is used for residential purposes that includes separate interest in a dwelling unit within the residential complex and undivided interest in common areas of the property.

Congregate Care Facility. See Convalescent Facility.

Construction. The assembly, erection, substantial improvement, alteration, or similar action performed on a structure or property. It excludes demolition but includes excavation, fill, or drainage work and similar activities.

CHAPTER 18.20: DEFINITIONS

Contiguous. Bordering upon, adjacent to, touching upon, or in physical contact with.

Contract Station Post Office. A privately operated, limited-service postal facility operated as adjunct to a principal business or use.

Convalescent Facility or Congregate Care Facility. Also, *Nursing Home, Convalescent Hospital, Rest Home, or Home for the Aged.* A licensed health facility that provides skilled nursing care and supportive care to patients which primary need is for the availability of skilled nursing care on an extended basis, excluding facilities providing surgical or emergency medical services.

County. The County of Los Angeles.

Court. An unoccupied area that is open from the ground to the sky, bounded on two or more sides by an exterior wall of a building that is not a yard.

Cultural Facilities. Institutions designed primarily for displaying or preserving objects of interest in one or more of the arts or sciences, including libraries, museums, and art galleries.

Curb Level. The level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

D

Day Care Center. See Child Day Care Facility.

Demolition. The dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Density. The number of dwelling units per gross acre, unless another area measurement is specified. When calculating the allowable density, fractions shall be rounded down to the nearest whole number.

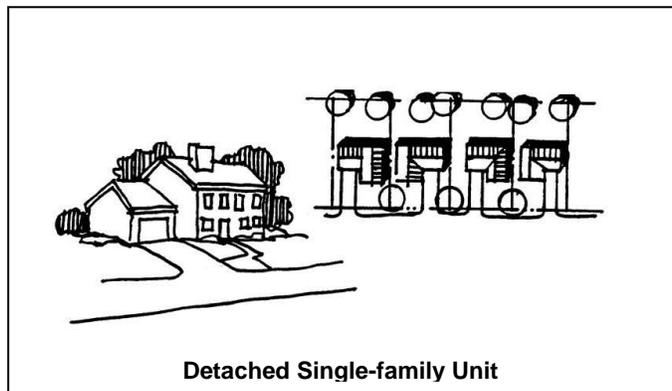
Density Bonus. An increase of up to 25 percent over the maximum allowable development density.

Department. The Community Development Department of the City of Hawaiian Gardens.

Detached Building. A building or structure that does not have a wall or roof in common with any other building or structure.

Detached Single-family Unit. A dwelling unit that is not attached to another dwelling unit by any means.

Development. A change to real property that involves the construction, reconstruction, alteration or removal of a



building or structure, including mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Standards or Property Development Standards. A set of regulations for the area and dimensions of a lot or property, including setbacks, bulk, size, and location of structures, off-street parking, signs, landscaping, storage areas, and other physical improvements.

Director. The Community Development Director of the City of Hawaiian Gardens or designee.

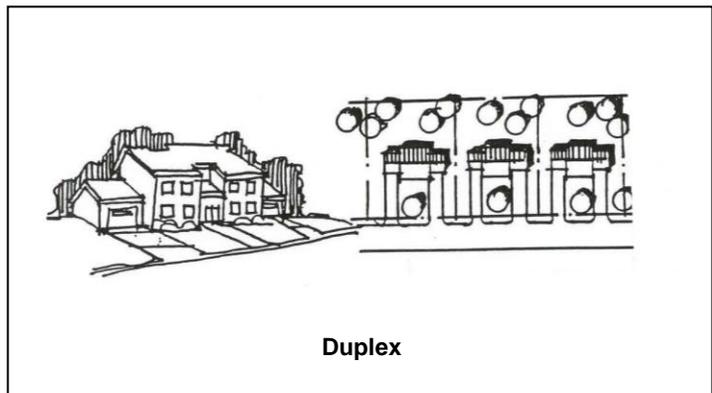
District. An area within specified boundaries, such as a zoning district.

Domestic Animal. An animal that is commonly maintained in residence with persons, as permitted by the Hawaiian Gardens Municipal Code.

Drive-In or Drive-Through. Designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.

Driveway. The passageway that provides vehicular access from a public or private street to a parking area, garage, carport, or other legal parking space. A driveway begins at the property line and extends into the site. It does not include parking spaces or parking aisles (maneuvering or circulation areas in parking lots) and is not a street. The width of a driveway is the same width as the curb cut, excluding any aprons or extensions of the curb cut.

Duplex. Also, Two Family Dwelling Unit. Two dwelling units that are attached to one another and located on a single lot. A duplex is considered a multi-family development.



Dwelling or Dwelling Unit. One or more rooms designed for or occupied by a household for living or sleeping purposes and containing kitchen, sleeping, and sanitary facilities. All

rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. It includes single-family, two-family, and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not hotels, motel units having no kitchens, boarding houses, lodging houses, or garages.

E Earth Tone. A color scheme that draws from a color palette of browns, tans, greys, greens also including some blues and reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors generally found in dirt, moss/trees and rocks.

Easement. A portion of a lot that is reserved or used for utility rights-of-way, access or any public or private use, as indicated on a subdivision map, deed restriction, to other recorded document. A recorded right or interest in the land that entitles the holder to some use, privilege, or benefit in, on,

CHAPTER 18.20: DEFINITIONS

over, or under such land.

Educational Institution or Facility. A private or public pre-school, elementary or secondary school, college, university, or other training facility qualified to give general academic or skills instruction according to the standards of the State Board of Education or other State agency.

Efficiency Unit. A dwelling unit containing only one habitable room.

Elevation. See Grade.

Emergency Work. Work that is necessary to remedy an existing hazard or to restore property to a safe condition, including work needed to restore utility service.

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 an inability to pay.

Enclosed. Covered by a roof and contained on all sides by walls, with openings limited to windows, vents, and entrance and exit doors.

Encroachment. An intrusion on the rights or possession of another or advancement beyond the proper or prescribed limits.

Equipment Structure. A structure, shelter, cabinet, or vault used to house and protect electronic or mechanical equipment, including those necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

Expand. To increase in size, floor area, height, or other physical characteristic of a structure or use or in the intensity of development or activity.

F **Factory-built Housing.** A residential building, dwelling unit, or an individual dwelling room or combination of rooms, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part. This includes units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the State Building Standards Code and other regulations adopted pursuant to California Health and Safety Code Section 19990. Factory-built housing does not include a mobilehome, manufactured housing, mobile accessory building or structure, a recreational vehicle, or a commercial coach.

Factory-built Housing Installation. The assembly of factory-built housing on site and the process of affixing factory-built housing to land, a foundation, footings, or to an existing building.

Family. An individual or two or more persons living as a family.

Family Day Care Home. See Child Day Care Facility.

Fence. A barrier constructed of any material including vegetation or combination of materials erected to enclose, screen or separate areas.

Final Development Plan. A plan or set of plans that complies with the conditions set forth in a permit or approval of a development project.

Flag. A piece of cloth or other non-rigid material identifying one of the following:

1. Flag of a nation;
2. Commemorative flag, such as a POW flag; or
3. State Flag.

Flagpole. A structure (typically a pole) used to display, hang, or secure a flag.

Floor Area. See Living Area.

Fraternity House. A dwelling unit occupied or a building used exclusively by unrelated individuals who are members of the same fraternity.

Frontage. Also, Building Frontage. The length of the exterior wall of the building that faces a public street, public parking area, or front yard.

G Gaming Facilities. A building or portion of a building designed and used for the conduct of legal gaming activities, including card clubs, casinos, bingo parlors and similar facilities for gambling.

Garage. A building or portion of a building designed and used for the shelter and storage of vehicles that are owned and operated by the occupants of the main building or their tenants and customers. No kitchen, bathroom, or toilet facilities are permitted in garages. No garage may be converted to living space or used for a storage facility. See Parking Garage.

Enclosed Garage is a permanently roof garage with three enclosed sides and a garage door on the fourth side.

Garage Conversion. Alteration of a garage through the change, modification, or construction of a bathroom, bedroom, kitchen, living room or other facility or use that precludes its use for the storage of vehicles.

Garage Sale or Yard Sale. The temporary outdoor display and sale of used household items, as allowed under the provisions of this Zoning Code and the Hawaiian Gardens Municipal Code.

Gazebo. A roofed structure characterized by the absence of solid walls and used primarily for outdoor seating.

CHAPTER 18.20: DEFINITIONS

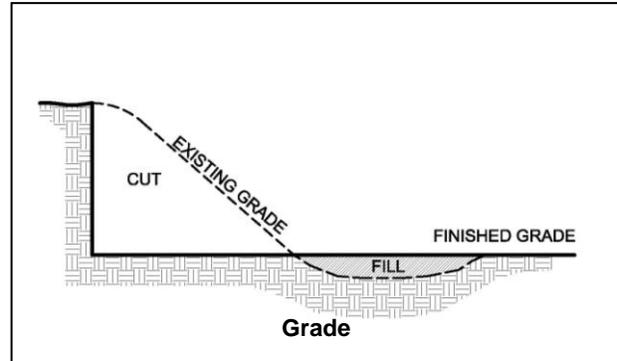
General Plan. The Hawaiian Gardens General Plan.

Government Code. The California Government Code.

Grade. The ground elevation (vertical distance above sea level) at a specific location.

Existing Grade. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this Zoning Code.

Finished Grade. The ground elevation after final grading of the site.



Grading. The excavation or fill of earth materials to prepare a site for construction or other improvement.

Granny Flat or Granny Unit. A secondary dwelling unit that is attached or detached to the primary residence on a residential lot, designed for the sole occupancy of one or two adults aged sixty-two or over. The floor area of an attached granny flat does not exceed 30 percent of the existing living area of the primary residence and the floor area of the detached granny flat does not exceed 1,200 square feet.

Greenbelt. A linear corridor of open space that often provides passive recreational uses and non-motorized transportation opportunities, serves as a buffer between developments and varying land uses, or creates a sense of visual relief from dense urban landscapes.

Greenhouse. A building or structure built for the propagation and cultivation of plants.

Group Home. See Community Care Facility.

Guest House. An attached or detached building with no interior access to the primary dwelling unit that has sleeping, living and sanitary facilities, but no cooking facilities which is used primarily by members of the household occupying the main building, their non-paying guests or domestic employees.

Guest Room. An attached or detached building with no interior access to the primary dwelling unit that has sleeping and living facilities only, no sanitary facilities and no cooking facilities which is used primarily by members of the household occupying the main building, their non-paying guests or domestic employees.

H

Habitable Room. Any room used for living purposes that includes working, sleeping, eating, cooking, recreation, or a combination thereof. A room designed and used only for storage is not a habitable room.

CHAPTER 18.20: DEFINITIONS

Hazardous Substance or Material. Any substance that, because of its quantity, concentration or physical or chemical characteristics, is flammable, corrosive, explosive, toxic, or infectious and poses a significant present or potential hazard to the health and safety of humans, domestic livestock or wildlife.

Health Department. The County of Los Angeles Health Department.

Hedge. Shrubs, trees or other plant materials that are located in a row to act as a visual barrier between adjacent areas.

Height. See Building Height.

Heliport. A licensed helicopter landing area used and designed for receiving or discharging passengers and cargo on a regular basis. This includes facilities for cargo storage, helicopter storage, repair or servicing.

Helistop. A licensed helicopter landing area used and designed for receiving or discharging passengers and cargo on an intermittent basis. This does not include facilities for cargo storage, helicopter storage, repair or servicing.

Home. A place of residence.

Home for the Aged. A nursing home for the elderly. See Convalescent Facility.

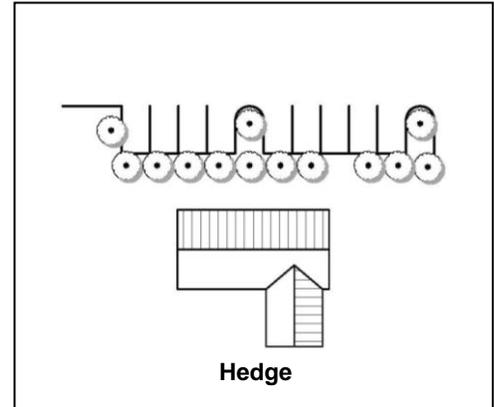
Home Occupation. Any business activity carried on within the dwelling or within a permitted accessory structure, as an incidental use to the residential purposes of the property.

Hospital. A health facility licensed by the State Department of Health Services, which has an organized medical staff and provides 24-hour in-patient care, including medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

Hotel. A building in which there are six or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite. This includes motels, auto cabins, and similar structures but does not include rooming or boarding houses, jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, or other buildings where individuals are housed or detained under legal restraint.

Household. One or more persons occupying one dwelling unit and living as a family unit, including those temporarily absent (such as, members away at school, on a visit, vacation, trip in connection with work, active duty in the armed service, or other absence of a similar nature). This does not include occupants of a fraternity, sorority, boarding house, lodging house, club, or motel.

Household Pet. An animal kept in the home for personal purposes and not used for commercial breeding or sale.



CHAPTER 18.20: DEFINITIONS

I Impervious Surface. A hard surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow than the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, graveled or packed earthen materials, and oiled, macadam or other surfaces that similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

Improvement. A building, structure, place, parking facility, fence, gate, wall, work of art, or other object that enhances the physical attributes of real property.

Institution. An establishment maintained and operated by a society, corporation, individual, foundation, or public agency for the purpose of providing religious, charitable, social, educational, or similar services to individuals, groups or the general public.

Intensity. The level of development or activity associated with a land use, as measured by the floor area occupied by the use, the amount of parking required, the operational characteristics (hours, type of uses, etc.) or the percentage of site occupied by the use. Intensity is typically measured by the building coverage or the floor area ratio.

J Junk Yard or Salvage Yard. An area where scrap, waste, or discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled, handled, or stored. This includes auto wrecking yards, house wrecking yards and used lumberyards. It does not include pawnshops, used furniture and household equipment stores, solid waste materials recycling facilities (MRF), used car lots, or areas that store salvaged materials incidental to manufacturing operations.

K Kennel. A house, enclosure, or other structure in which any combination of four or more dogs or cats that individually exceed seven months of age are housed for breeding, sale, training, boarding, or sporting purposes, or are kept or cared for as pets or for a fee or compensation. This does not include treatment at veterinary clinics or animal hospitals or pet grooming services.

Kitchen. Any room or portion of a room used or intended or designed to be used for cooking or the preparation of food.

L Laboratory. A building or portion of a building that contains facilities for the photographic, testing or analysis of a product, person, animal, or part thereof.

Land Use. See Use.

Landfill. An area designed and used for the disposal of solid wastes on land by spreading waste in layers, compacting it and covering it daily with soil or other approved cover materials.

Landscaping. Planting and maintenance of trees, shrubs, vines, ground cover, flowers or lawns, including natural features such as rock and stone, structure features such as fountains, reflecting pools, art works, screens, walls fences and benches. Required landscaping may be planted in concrete planters, landscape beds, or planter boxes.

CHAPTER 18.20: DEFINITIONS

Laundromat. An establishment that houses coin-operated laundry machines. This does not include dry cleaners.

Licensed Gambling Establishment. See Gaming Facilities. The gambling premises encompassed by a State gambling license.

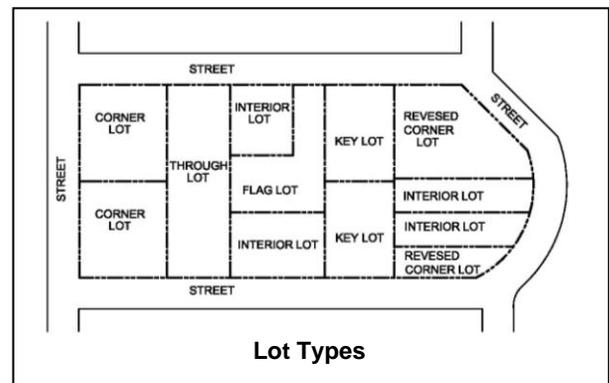
Live Entertainment. A performance, act, play, revue, pantomime, scene, fashion show, dance, or song or any combination of the above performed in person by one or more persons, whether or not they are compensated.

Livestock. Cattle, sheep, goats, or animals of the bovinæ family; all horses, mules, or animals of the equinæ family; all pigs, swine, or animals of the suinæ family; and ostriches, rhea, and emu.

Living Area. The interior area of a dwelling unit that may be occupied for living purposes by humans. Livable floor area does not include a garage.

Loading Area or Space. An off-street area or space located on the same lot as the building or group of buildings that it served and used for the temporary parking of commercial vehicles while loading and unloading cargo.

Lodging House or Rooming House. See Boarding House.



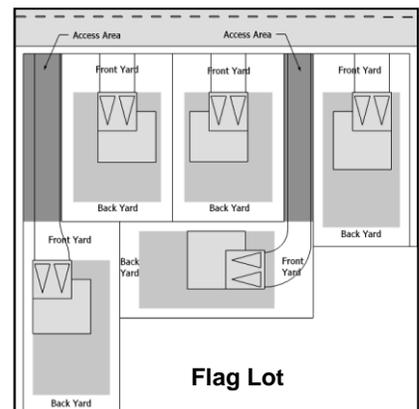
Lot or Parcel. A parcel separately owned or legally divided from a piece of real property according to the requirements of State Law and the Hawaiian Gardens Municipal Code, and as shown on the recorded final map, parcel map, record of survey, certificate of compliance, or lot line adjustment. The different lot types include:

Corner Lot. A lot situated at the intersection of two or more street rights-of-way that having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards.

Flag Lot. A lot having access to a street by means of a private driveway, access easement, or parcel of land within a minimum width of 20 feet. The front yard of a flag lot shall be the narrowest width of the lot abutting the access area of the lot, but not including the access area of the lot.

Interior Lot. A lot abutting a street on one side or a lot other than a corner lot.

Key Lot. A lot with its side lot line abutting the rear lot line of a reverse corner lot.



CHAPTER 18.20: DEFINITIONS

Reverse Corner Lot. A lot located at the intersection of two or more street rights-of-way (corner lot) and has a rear property line abutting the side of another lot.

Through Lot. A lot that fronts two parallel street rights-of-way or that fronts two street rights-of-way that do not intersect at the boundaries of the lot.

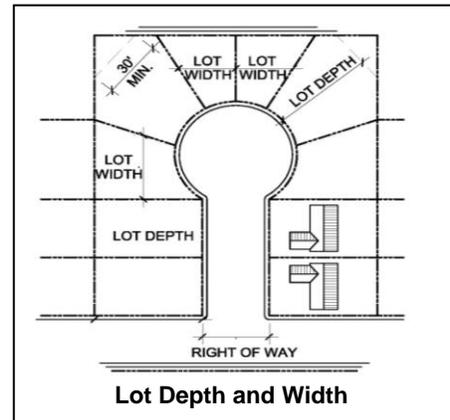
Lot Area or Lot Size. The net land area within the lot lines of a lot, as measured on a horizontal plane and excluding any public or private right-of-way and access easements.

Lot Coverage. The total area of the lot that is covered by buildings or structures, often expressed as a percentage of the lot area. This area includes roofs, soffits, or overhangs extending more than 2 ½ feet from the building wall and decks more than four feet in height.

Lot Depth. The horizontal length of a straight line between the front and rear lot lines of a lot, measured at right angles to the front lot line and extending to the rear lot line that is at least 10 feet long. If there is no rear lot line within 45 degrees of being parallel to the front lot line, the lot depth is measured from the front lot line to a ten-foot long line located farthest and parallel to the front lot line.

Lot Width. The horizontal length between the side lot lines measured at the midpoint of the side lot lines and at right angles to the line measuring the lot depth.

Lot Line. A line of record bordering a lot and dividing one lot from another lot or from a public or private street right-of-way or any other public space.



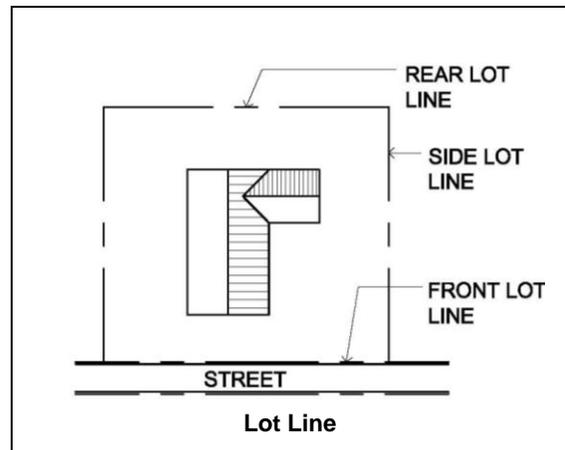
Front Lot Line. The portion of a lot line of a parcel or lot that abuts a street right-of-way or future street right-of-way, as identified through an official record. For a corner lot, the shorter lot line abutting the street is considered the Front Lot Line. For a through lot, the lot line abutting the street providing primary access to the lot is the Front Lot Line, except when primary vehicular access is from an alley.

Rear Lot Line. The lot line opposite and most distant from the front lot line. For establishing the rear yard for an irregularly-shaped lot, the rear lot line is the ten-foot line that is located farthest and parallel to the front lot line.

Side or Interior Lot Line. Any other lot line that is neither a front or rear lot line.

Lower- and Very Low-income Households. See Affordable Housing.

M Main Building. The building that contains the primary use on the lot or one designed and occupied for a use that is not incidental or secondary to another use on the same lot. A *Main Dwelling* is the



CHAPTER 18.20: DEFINITIONS

dwelling unit permitted as the principal use of a parcel or lot, either by itself or with other dwelling units.

Maintain. To preserve in its current condition or to prevent deterioration or adverse change.

Manufactured Housing. A structure, transportable in one or more sections that is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities. A manufactured home does not include a recreational vehicle.

Master Development Plan. The comprehensive site plan and plans for construction of a planned development that is located within an area with a Planned Development overlay zone, and as approved by the Planning Commission or City Council under the provisions of this Zoning Code.

Median. A painted, paved or planted area separating a street into opposite-direction travel lanes.

Mini-Storage. See Self Storage Facilities.

Minor. A person younger than 18 years, unless another specific meaning is indicated by the context in which the term is used.

Minor Exception. A minor deviation in the requirements or the development standards in this Zoning Code, but not in the permitted uses, as granted by the City in accordance with the procedures established in this Zoning Code, when the Community Development Director determines that strict enforcement of the standards will cause undue hardship.

Minor Use Permit. A permit for a use, activity or structure on a parcel, as approved by the Community Development Director.

Mobilehome. A structure that is transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 40 feet or more in length, or, when erected on-site, has 320 or more square feet of lot coverage, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein: except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. Mobilehome does not include a recreational vehicle or a commercial coach but includes trailers and other recreational vehicles, other than motor homes, truck campers, and camping trailers, which are used for human habitation if the occupancy meets the following criteria: (1) The trailer or other recreational vehicle occupied a mobilehome site in a mobilehome park prior to January 1, 1991 and had a rental agreement with a term of one month or longer on November 15, 1992. (2) The trailer or other recreational vehicle occupies a mobilehome site in the park for nine or more continuous months. A mobilehome does not include a trailer or other recreational vehicle located in a recreational vehicle park.

Mobilehome Park. An area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation. A mobile home park

CHAPTER 18.20: DEFINITIONS

shall not include mobile home subdivisions or recreational vehicle parks or where mobile homes are permitted as a principal use and accessory dwelling unit on the same lot.

Modification. An alteration of an existing use or structure. Modification may also refer to changes to an existing standard as contained in this Zoning Code or to a permit granted under this Zoning Code.

Monument Sign. See Ground Sign.

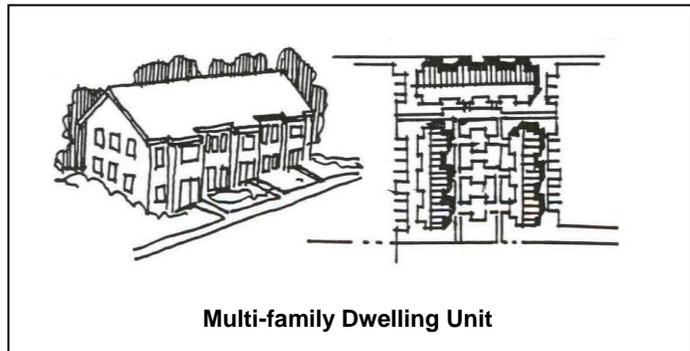
Motel. A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached, or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients. It includes tourist courts, motor courts, automobile court, automobile camp, and motor lodges. A unit in a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this Zoning Code governing dwelling units for the zone in which the establishment is located.

Motor Home. See Recreational Vehicle.

Motor Vehicle. A self-propelled device by which a person or property may be moved or drawn upon a street or highway, except devices moved by human or animal exertion or used exclusively on stationary rails or tracks.

Multi-Family or Multiple Family Dwelling Unit. A structure containing two or more dwelling units designed for the occupancy of two or more households.

Multi-Family Residential: More than one dwelling unit located on one parcel, dwelling units can include both attached and detached dwelling units.



Municipal Code. The Municipal Code of the City of Hawaiian Gardens.

N

Nonconforming. Does not conform to the standards and regulations contained in this Zoning Code.

Nonconforming Lot. A lot that does not meet the minimum size, dimension or area requirements of the zone in which it is located. A legally nonconforming lot is a lot that was permitted when created as part of an approved subdivision map but was made nonconforming by an acquisition of land in the public interest or subsequent changes in this Zoning Code.

Nonconforming Sign. A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but that does not conform with the standards for location, size, or other regulations by reason of adoption or amendment of this Zoning Code.

Nonconforming Structure. A building or structure that does not meet any current development standard for the zone in which it is located, as set forth in this Zoning Code, but

which was legally established and in compliance with applicable ordinances and laws before this Zoning Code was adopted. This does not include illegal structures that were not lawful when constructed.

Nonconforming Use. A use that is not allowed in the current zone classification in which it is located, but was allowed when it was first established. This does not include illegal uses that were not lawful when established.

Nuisance. An act or condition that when performed or existing on a parcel, structure or portion of a structure, is considered dangerous or potentially dangerous to the public health, safety, and welfare, degrades the appearance and value of the surrounding properties, or can cause damage to public rights-of-way.

Nursery School. See Child Day Care center or Facility.

Nursing Home. A health facility that provides skilled nursing care and supportive care to patients whose primary needs are for the availability of skilled nursing care on an extended basis.

O **Occupied.** Used, designed, built, altered, converted, rented, leased, based, or intended to be occupied.

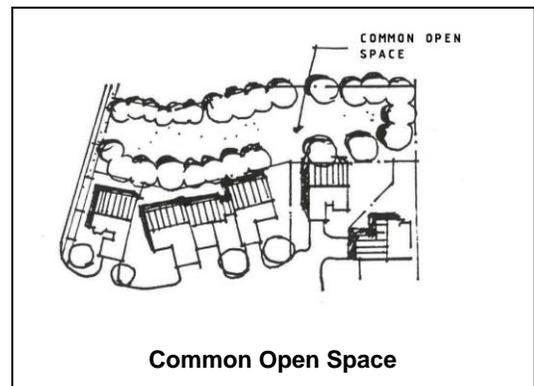
Offices or Professional Offices. A building or portion of a building used as a place of business by persons primarily engaged in rendering professional services. It does not include offices of retail stores, or those incidental to the handling, sale or disposition of commodities.

Open Area. The portion of the lot that is not occupied by above ground structures, driveways, walkways, or parking areas.

Open Space. A parcel or portion of a parcel that is primarily reserved for the preservation of natural resources, the protection of environmental features, or for providing outdoor recreation or education. Open space areas may include parks, trails, utility corridors, and other vacant rights-of-way. Permanent dedication, designation, or preservation of open space for public or private use may occur in accordance with General Plan policies. Open space may serve as a buffer between developments and varying land uses, or create a sense of visual relief from denser development. Open space does not include roads, driveways, required setbacks, parking areas, or surface utility facilities.

Common Open Space refers to open space within a residential development reserved for the exclusive use of the residents of the development and their guests. Yard setback areas are not included.

Private Open Space refers to usable open space adjoining or directly accessible to a dwelling unit, reserved for the exclusive use of the residents of the dwelling unit and their guests.



CHAPTER 18.20: DEFINITIONS

Useable Open Space includes balconies, roof decks, patios, swimming pools, open cabanas, children's playgrounds and recreation rooms and does not include parking areas, driveways, loading zones, storage areas, berms, planters, and areas not accessible to the residents.

Open Storage or Outdoor Storage. An open area located outside a building or structure where merchandise, equipment, or other materials, which are not outdoor displays, are stored.

Outdoor Advertising Display. Any card, paper, cloth, metal, glass, wooden, or other display or device of any kind or character that is placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.

Outdoor Advertising Structure. A structure of any kind of character erected or maintained for outdoor advertising purposes upon which any outdoor advertising display is, or can be, placed.

Outdoor Dining. A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and that is (a) located entirely outside the walls of the contiguous structure, (b) enclosed on two sides or less by the walls of the structure with or without a solid roof cover, or (c) enclosed on three sides by the walls of the structure without a solid roof cover.

Overnight Lodging. Permanent, separately rentable accommodations that may include a kitchen and are available to the general public for short term use. The accommodations are intended for visitors rather than for full-time residents. Overnight lodgings include hotel or motel rooms, and time share units. Individually-owned units other than time-share units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year.

Owner Occupant. A property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.

P

Parcel. See Lot.

Park. A public recreation area or facility, including a dedicated private recreation area for use of the residents or employees of a building where the recreation facility is located, unless another specific meaning is indicated by the context in which the term is used.

Community Park. A park designed for organized activities and sports, outdoor activities, and other recreation pursuits and designed to serve the entire City. These parks may include sport fields, water bodies, gardens, nature trails, or similar facilities, as well as restroom and parking facilities.

Neighborhood Park. A combination playground and park designed primarily for non-supervised, non-organized recreation activities. Neighborhood parks are small in size (about 3 to 10 acres) and serve an area of approximately one-half mile in radius. In general, facilities recommended for a neighborhood park may include a children's playground, picnic facilities, trails, nature areas, tennis courts, an outdoor basketball court, and a multi-use field for soccer, youth league baseball, etc. Most often there are no restroom and parking facilities.

CHAPTER 18.20: DEFINITIONS

Parking Area or Parking Facility. An area or facility accessible to vehicles and provided, improved, maintained, and used for the sole purpose of parking a motor vehicle.

Parking Aisle. A maneuvering and circulation area for ingress and egress to off-street parking spaces in a parking lot and in which parking is prohibited.

Parking Garage or Structure. A covered structure or portion of a covered structure that provides parking for motor vehicles, not including private garages accommodating required off-street parking for residential dwellings. “Parking Garages” include parking spaces, parking aisles and driveways. Parking Garages can be restricted to private use of associated residential or non-residential uses or for the use by the general public.

Parking Lot. An open, common area devoted to the standing, maneuvering, and circulation of motor vehicles, not including off-street parking spaces or areas for single-family detached or two-family dwellings with individual driveway access onto a public or private road. Parking Lots include parking spaces, parking aisles, driveways and planting beds and islands. Parking Lots can be restricted to private use of associated residential or non-residential uses or can be open to use by the general public. See also *Private Parking Area* and *Public Parking Area*.

Parking Space, Off-street. An area on a lot that is improved, maintained and used for the sole purpose of providing standing area for a motor vehicle, excluding driveways, ramps, loading areas, walk areas.

Parking Space, On-street. An area along the sides of a street right-of-way where motor vehicles are allowed to park.

Private Garage. An accessory building or a portion of the main building, enclosed on not less than three sides and designed or used for the shelter or storage of vehicles owned or operated only by the occupants of the main building.

Private Parking Area. An area, other than a street, alley, or other public property, limited to the parking of vehicles of the occupants of a dwelling, hotel, motel, apartment hotel, apartment house, or lodging house, or of users of a commercial or industrial building to which these facilities are appurtenant.

Public Parking Area. An area other than a street, alley, or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of more than five vehicles.

Park Trailer. A trailer designed for human habitation for recreational or seasonal use only, that meets all of the following requirements: (1) It contains 400 square feet or less of gross floor area, excluding loft area space. (2) It may not exceed 14 feet in width at the maximum horizontal projection. (3) It is built upon a single chassis. (4) It may only be transported on public highways with a permit issued pursuant to the Vehicle Code.

CHAPTER 18.20: DEFINITIONS

Parkway. The area of a public street that lines between the curb and the adjacent property line or physical boundary, such as a fence or wall, which is used for landscaping and/or passive open space.

Patio Cover. An overhang or roof that extends partly or entirely over a courtyard or room that is attached to a building.

Pawn Shops. Establishments engaged in the retail sales of new or secondhand merchandise and offering loans secured by personal property.

Penthouse Structure. The upper portion of a building not intended for human occupancy, normally used for mechanical equipment, and not covering more than 25 percent of the ground floor area covered by the main building.

Permitted Use. A use allowed in a zone, as established in this Zoning Code, and subject to the provisions applicable to the specific use.

Person. An individual, firm, co-partnership, joint venture, association, social club, fraternal organization corporation, company, estate, trust, receiver, syndicate, or any other group acting as an entity, including Federal, State or county government, or special district to the extent permitted by applicable Federal and State laws.

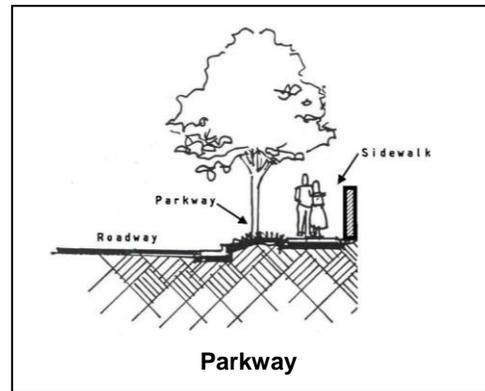
Personal Improvement Services. Provision of instructional services or facilities including photography, fine arts, crafts, dance and music studios, driving schools, business and trade schools, reducing salons, and health or physical fitness clubs.

Personal Services. Provision of recurrently needed services of a personal nature, including barber and beauty shops, seamstresses, tailors, shoe repair shops, nail salons, dry cleaning, laundries, and massage parlors.

Place of Religious Assembly. An establishment that primarily operates for religious worship, religious services, or any religious activity and where the principal building or other structure contains the sanctuary or principal place of worship, including accessory uses in the main building or in separate buildings or structures, such as religious educational classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and a one-family dwelling unit, but excluding facilities for residence or for training of religious orders.

Planned Development. A development characterized by a structure or number of structures containing one or more land uses based on the comprehensive design of the entire project, including the clustering of buildings to preserve open space or to provide other common facilities.

Planned Street Width or Right-of-Way. The proposed final width of a street right-of-way, as shown in the Circulation Element of the General Plan of the City of Hawaiian Gardens or the Master Plan of Streets, or as established by an official action of the City.



CHAPTER 18.20: DEFINITIONS

Planning Commission. The Planning Commission of the City of Hawaiian Gardens.

Planter. A structure made of wood, concrete, masonry or other materials designed to hold flowers, trees or other plant materials.

Plot Plan. A scaled and dimensioned drawing of a lot or parcel of land and its immediate vicinity, showing the location of all existing and proposed building, structure and improvements on-site.

Principal or Main Building. A building devoted to the principal use of the lot on which it is located.

Principal Use. The primary or predominant use of any lot, parcel, structure or building.

Private or Public Club. A building or premise used by a group of persons organized for the purposes of promoting social, professional, fraternal, cultural, sports, educational, or other common cause. This excludes premises used by groups organized to render services customarily carried on as a business. This is also separate from a church or place of religious assembly.

Processing. A method that changes the nature of a material, its chemical composition or its physical qualities.

Professional Services. Businesses whose services are based on professional expertise rather than on discrete products or commodities, including but not limited to managerial, creative, administrative and clerical services.

Project. A proposal for new or changed use or for new construction, alteration or enlargement of any structure that is subject to the provisions of this Zoning Code.

Property. A lot or parcel of land.

Property Line. A lot line or parcel boundary.

Public Facilities. Facilities owned by public agencies or entities that provide public services, including streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, solid waste facilities, parks and recreational facilities, and schools.

Public Use. A use conducted exclusively by a public agency for public health, safety or general welfare purposes, such as public schools, parks, playgrounds, libraries, fire stations, police stations, government offices, and post offices.

Public Utility. A service that provide electricity, natural gas, steam, telephone, telegraph, transportation, water, sewer, storm drainage or other service regulated by the State or local jurisdiction.

CHAPTER 18.20: DEFINITIONS

Q Quasi-Public Use. A use conducted by a private non-profit organization involved in religious, recreational, charitable, or medical activities and having the main purpose of serving the general public. This includes, but is not limited to, churches, private hospitals, cemeteries, private schools and universities, youth centers and similar uses.

R Recovery or Treatment Facility (for Alcoholism or Drug Abuse). A facility, premise, place or building that provides 24-hour residential non-medical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who need alcohol, drug or alcohol and drug recovery treatment or detoxification services.

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy. Recreational vehicles shall include, but not necessarily be limited to, campers, motor homes, camping trailer, and travel trailers or any vehicle placed on a trailer, truck camper, camper shells, and 5th wheels.

Recycling Center or Collection Site. A site with collection boxes or other containerized storage where persons can bring materials for recycling.

Recycling Facility or Transfer Station. A large scale buy-back recycling business or other industrial activity that specializes in collecting, storing and processing any waste, other than hazardous waste or municipal garbage, for reuse and which uses heavy mechanical equipment to do the processing. It may be a facility where commingled recyclable materials are sorted, baled, or otherwise processed for transport off site that is referred to as a “clean” materials resource recovery facility (MRF).

Rehabilitation. Alteration of the structural or architectural features or visual characteristics of a building or structure, designed to improve the building in accordance with current codes and requirements, to upgrade of existing equipment and appliances, buildings systems, landscaping, or other building components, or to remove public health and safety hazards.

Relocatable Building. A building that is not placed on permanent foundations and is designed to be moveable from one location to another without the need for a special permit such as that required for moving a conventional dwelling. Relocatable buildings include mobile homes, construction trailers, and modular buildings.

Residence. A dwelling unit.

Restaurant. Any use providing for the preparation, retail sale, and consumption on-site of food and beverages. Restaurants include cafes, coffee shops, sandwich shops, ice cream parlors, fast-food, take-out, and drive-through restaurants, bars, cocktail lounges, and similar uses. If another use or seating is provided in conjunction with a store where there is preparation and retail sale of food and beverages, that use shall be classified as a restaurant.

CHAPTER 18.20: DEFINITIONS

Drive-Through Restaurant. A restaurant that is designed or operated so as to enable persons to receive a service or purchase food or drinks while remaining within a motor vehicle.

Fast-food Restaurant. An eating and drinking establishment, in which the manner of preparation, packaging and service of the product results in prompt service to customer. A fast food restaurant does not serve alcohol of any type.

Full-service Restaurant. An eating and drinking establishment in which food and drinks are generally consumed within an enclosed structure at tables and/or at a counter. When alcoholic beverages are served, a full-service restaurant shall comply with the California Business and Professions Code.

Take-out Restaurant. An eating and drinking establishment, in which the manner of preparation, packaging and service of the product enables and/or encourages its consumption outside the restaurant.

Tavern. An eating and drinking establishment in which the serving of food is incidental to the serving of beer and/or wine, i.e.: the monthly food sales shall amount to less than 60 percent of the tavern's total food-alcoholic beverage sales; there is no kitchen facility or kitchen facilities are limited to that necessary to prepare sandwiches and/or short orders of food for sale to the public; and up to 7.5 gallons of beer or other malt beverage is offered for sale and off-site consumption. If monthly food sales exceed 60 percent of the total sales, the use shall be considered a restaurant. If more than 7.5 gallons of beer or other malt beverage is offered for off-site consumption, the use shall be considered a liquor store.

Retail Store or Establishment. A business completely enclosed within a structure with at least 75 percent of the gross floor area devoted to the display of merchandise, engaged in selling primarily finished goods or merchandise directly to the general public for profit.

Right-of-Way. Land or property held in an easement or separate tract that is occupied or dedicated to be occupied by a publicly or privately dedicated street or railroad, together with property used or reserved for utilities, transmission lines and extensions, walkways, sidewalks, bikeways, equestrian trails, and other similar uses.

Roof Level. The uppermost edge of a roof, building wall, or parapet, excluding roof structures that cover less than 25 percent of the roof area.

Rooming House. See Boarding House.

S

Satellite Antenna or Satellite Dish Antenna. An accessory structure capable of receiving transmission signals from a satellite.

Satellite Dish Farm. A parcel of land that is occupied by several satellite dishes or antennas and used for the transmission or reception of radio, television, satellite, telephone, microwave, or any other transmitted signal.

CHAPTER 18.20: DEFINITIONS

School. A private or publicly funded educational institution, including elementary and secondary schools, colleges, universities or other special learning centers offering several courses of study, and operated in accordance with the requirements of the State Education Code.

Second Dwelling Unit or Second Unit. A detached or attached residential dwelling unit, added at a later date on the same lot as a pre-existing dwelling unit, and providing independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation. This includes second units allowed on R-2 lots (as regulated under this Title), granny flats, and guest houses but does not include Accessory Dwelling Units, as regulated under *Section 18.90.80* of this Title.

Self-Storage Facility. A facility designed and used for the purpose of renting or leasing individual storage space to persons who are to have access to the space for the purpose of storing and removing personal property or for storing individual storage containers provided to occupants who have exclusive use of the container for the purpose of storing and removing personal property. Self-service storage facility does not include a garage or other storage area in a private residence. No occupant may use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse, nor a public utility, as defined in Section 216 of the Public Utilities Code. If an owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of Division 7 (commencing with Section 7101) of the Uniform Commercial Code.

Senior Citizen. A person 55 years of age or older.

Senior Citizen Housing or Senior Housing. A housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et seq., including 12955.9 in particular), California Civil Code Sections 51.2, 51.3 and 51.4; which has been designed to meet the physical and social needs of senior households and that otherwise qualifies as housing for older persons as that phrase is used in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430; 42 U.S.C. Section 3607) and implementing regulations, and as that phrase is used in California Civil Code Sections 51.2 and 51.3.

Senior Households. Households with at least one member 55 years of age or older.

Service. An act or any result of useful labor that does not in itself produce a tangible commodity.

Service Provider. The department, district, or agency responsible for providing the specific public facility or service.

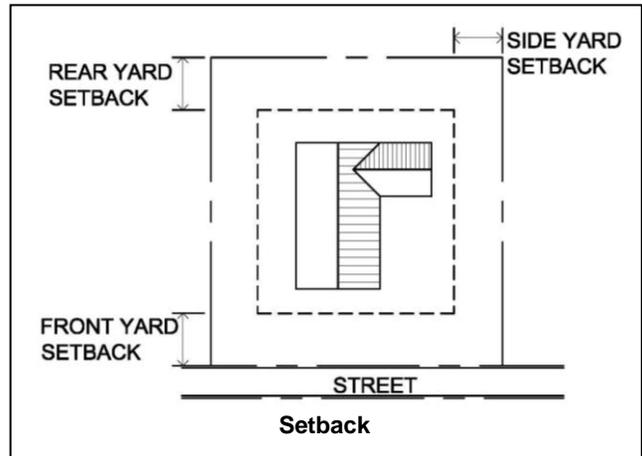
Service Station. See Automobile Service Station.

Setback. The minimum required distance between a structure and a specified line such as a lot, public or private right-of-way, easement, future street right-of-way, as identified through an official record or a buffer area that is required to remain free of structures unless otherwise provided herein.

Front Setback. The distance between the front lot line and the nearest building wall on the lot.

Side Setback. The distance between the side lot line and the nearest building wall on the lot.

Rear Setback. The distance between the rear lot line and the nearest building wall on the lot.



Sewage Conveyance System. Pipelines, culverts, and appurtenances that transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge. Also called wastewater conveyance systems.

Shed. An accessory structure designed to store tools, lawn and garden care or maintenance equipment or materials, and which is not designed to contain any habitable space.

Shelf Space. Shelves with products accessible to consumers for consumer purchase, but not shelves used purely for storage.

Shopping Center or Commercial Center. Also Shopping Mall. A commercial area or group of commercial establishments, planned, developed managed and maintained as a unit, with common landscaping, amenities, and off-street parking areas.

Sidewalk Sale or Parking Lot Sale. The temporary outdoor display and sale of merchandise that is normally displayed indoors at the location of a retail business.

Sign. An object, device, display or structure used for visual communication, promotion, or advertisement of the interests of a person, business, group, or enterprise. The sign typically includes an announcement, declaration, demonstration, display, insignia, symbols, or illustration that are intended to attract attention to, identify, or advertise an establishment, product, service, activity, person, or location, or to provide information.

A-board/Sandwich Board Signs. Small type signs, either single- or double-faced, portable, upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are placed.

Animated Sign. A sign or part of a sign that is in action or motion, or that flashes or changes color by means or electrical energy, electronic or manufactured sources of supply. This does not include revolving signs and time/temperature signs.

Area of Sign. The surface area of the sign, including all letters, symbols, pictures, or figures forming the display, as calculated from the boundaries formed by eight straight lines around

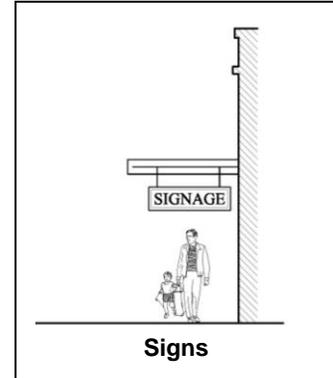
CHAPTER 18.20: DEFINITIONS

the sign. Supports, columns, uprights, and other objects attached to the sign, which do not convey a message, are excluded in the area of the sign. Each face of the sign is included in calculating the area of the sign.

Awning Sign. A sign affixed to the surface of an awning and that does not extend vertically or horizontally beyond the limits of such awning.

Banner Sign. A sign made of cloth, fabric, paper, non-rigid plastic, or similar types of material. Banners may contain text, numbers, graphic images, or symbols. Pennants and flags are not considered banners.

Billboard. An outdoor advertising sign designed for the rental or lease of such sign for the use with preprinted or hand-painted changeable advertising copy that directs attention to businesses, commodities, services, or facilities that are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term “billboard” includes both the structural framework that supports a billboard and any billboard faces attached thereto. Billboards are regulated by the Business and Professions Code Sections 5200-5499.



Building Identification Sign. A sign identifying the name of the building or property to which the sign is affixed.

Business Identification Sign. A sign that directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Canopy Sign. Any sign erected upon, against, or directly above a canopy.

Changeable Copy Sign (manual). Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign, such as reader boards with changeable pictorial panels. A billboard is not a changeable copy sign.

Changing Message Center. An electronically controlled sign, message center, or reader board where copy changes of a public service or commercial nature are shown on the same lamp bank; i.e., time, temperature, date, news, or commercial information of interest to the traveling public.

Construction Sign. A temporary sign designating the contractor(s), architect(s), and engineer(s) and other individuals or firms participating in a construction project underway on the site where the sign is located. Also, a temporary sign announcing the future use of the property on which the sign is located.

CHAPTER 18.20: DEFINITIONS

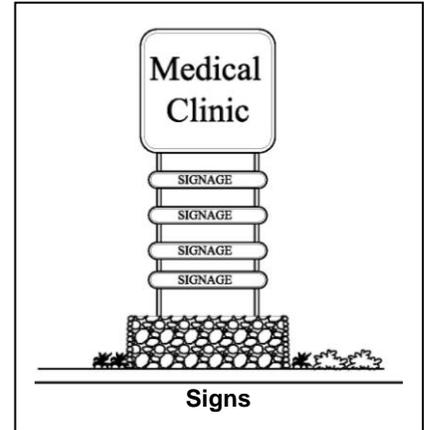
Directional Sign. A permanently erected single or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

Electrical Sign. A sign or sign structure that uses electrical wiring, connections and/or fixtures as a part of the sign, but not including signs illuminated by exterior light source.

Electronic Sign. A sign designed to allow changes in the sign graphics electronically.

Flashing Sign. A sign on which the light is not constant in apparent intensity and color when in use, uses intermittent electrical impulses; or revolves to create an illusion of flashing, provided that a slowly revolving sign and changing message centers will not be considered flashing signs.

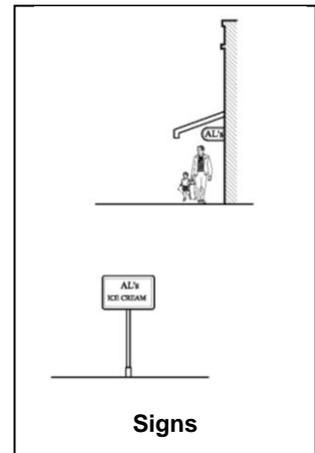
Freestanding Sign. A sign supported on the ground by a poles, uprights, braces, or standards and is not connected to or supported by any other structure, building or wall. Pole signs and monument signs are examples of freestanding signs.



Gross Area of Sign. The area within a continuous perimeter formed by eight straight lines around the sign and enclosing the outer limits of the sign face, but not including structural elements that are not a part of the display. The gross area of a two-faced sign equals the area of one side. The "gross area" of a spherical, cubical, or polyhedral sign equals one-half the total surface area.

Identification Sign. A sign that is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution, or the type of occupancy of the site, other than a private residence.

Lighted or Illuminated Sign. A sign designed to give forth an artificial or reflected light, either directly from a source of light incorporated into or connected with such sign, or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.



Marquee Sign. A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

CHAPTER 18.20: DEFINITIONS

Monument Sign or Ground Sign. A ground-mounted, fixed sign that is located within four feet of the ground and is not supported by posts or poles or attached to or painted on fences, screening walls or similar structures.

Mural. A large sign, design, or picture, painted or drawn on the wall of a building by a professional artist, muralist, painter, or contractor.

Nameplate Sign. A sign that indicates no more than the name, address, and home occupation of the resident of the premises.

Off-site Sign. A sign that directs attention to a business, commodity, industry or other activity that is sold, offered, or conducted elsewhere than on the premises on which the sign is located.

Pole Sign. A sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, other materials or a combination thereof.

Portable Sign. A sign that can be moved, including sandwich boards, A-frames, placards, and trailer mounted signs.

Projecting Sign. A sign, other than a wall sign, that is attached to and projects more than one foot from a structure or other building face.

Political Sign. A sign that advertises a candidate for public elective office or any political party or a sign that promotes a position on a public or ballot issue.

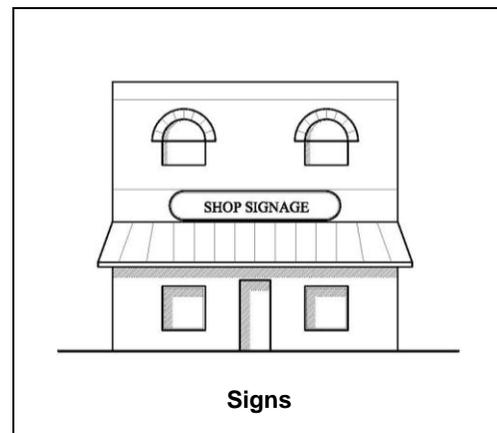
Reader Board. A sign consisting of tracks to hold letters, lights or electronic message board that allows for frequent changes of copy.

Real Estate Sign. A temporary sign erected by the owner or owner's agent that directs attention to the sale, lease, rental, or other disposition of a particular building, property, or premise upon which it is displayed.

Roof Sign. A sign erected upon, against or printed entirely on or above the roof or roof eave, on or above the parapet of a structure or building or an architectural adjunct.

Temporary Sign. Any sign constructed of paper, canvas, fabric, cardboard, plastic or similar materials, including but not limited to flags and banners, which are constructed and designed for a temporary display or advertising a temporary event.

Wall Sign. A sign that is posted, affixed, suspended, or painted on the exterior wall of a building or structure.



CHAPTER 18.20: DEFINITIONS

Window Sign. A sign or message posted, painted, affixed, or attached to a window surface. Signs painted on windows, even if temporary in nature, are considered as window signs and regulated as such.

Single Family Residential: One dwelling unit located on one parcel.

Single Family Dwelling Unit. A detached building containing one dwelling unit designed or occupied for the exclusive use of one household.

Single Room Occupancy (SRO) Facility or Hotel. A residential facility that is rented on a weekly or longer basis and that provides living and sleeping facilities for one or two persons per unit. Each unit contains a toilet and sink. Shower, kitchen, and laundry facilities may be shared.

Site. A lot or group of contiguous lots that is not divided by an alley, street, other right-of-way, or City limit, and that is proposed for development under the provisions of this Zoning Code and is in single ownership or has multiple owners, all of whom join in the application for development.

Soil. The surface layer of the earth.

Solar Apparatus or Solar Energy System. A device or equipment that is attached to a building, including the roof, used mainly for the generation of solar energy.

Solid Waste. All wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, dangerous wastes, and problem wastes.

Specific Plan. A plan for development as defined under California Government Code Section 65450 and as approved under this Zoning Code.

State. The State of California, unless another specific meaning is indicated by the context in which the term is used.

Stormwater Conveyance Facilities. Stormwater conveyance facilities means the facilities that comprise the City's municipal separate storm sewer system (MS4), including, but not limited to, those facilities by which stormwater may be conveyed to the waters of the United States, such as flood control channels, any roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels or storm drains that are not part of a publicly-owned treatment work.

Stormwater Multiple Use Facilities. Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

Storage. A place where goods, materials and other personal property is placed for more than 24 hours.

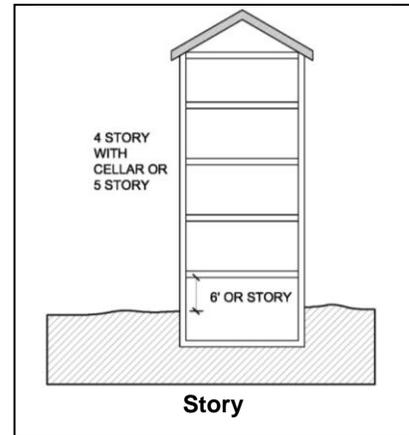
CHAPTER 18.20: DEFINITIONS

Story. A portion of a building that includes the area between the upper surfaces of two consecutive floors or the ceiling above it if there is no upper floor. It includes a basement, cellar, and underfloor space.

Street. A public or private right-of-way that is dedicated and used for vehicle and pedestrian access to abutting property.

Street Centerline. The centerline of a street or right-of-way, as established by official surveys.

Street Grade. The top of the curb on a street, or the top of the edge of the pavement or travel lane where no curb exists.



Street Fair or Festival. Events providing games, eating and drinking facilities, live entertainment, or similar activities conducted within public streets and not requiring the use of roof structures.

Structure. Anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together. A structure does not include paved areas, fill, fences and freestanding walls less than six feet in height, or any vehicle, although a mobile home, relocatable building, or swimming pool is considered a structure.

Sundeck. An elevated platform on top of a garage or on the roof that is open to the sky. It may be supported from below or cantilevered and enclosed with a railing or balustrade.

Supermarket. A market having 8,000 square feet or more of its floor area used mainly for the sale of food. A market with less than 8,000 square feet shall be considered a grocery store or food market.

Swimming Pool, Spa, or Hot Tub. An artificial body of water having depth of 18 inches or more and designed, constructed and used for swimming, recreation, dipping, or immersion purposes by humans.

Tandem Parking. Parking space configuration where two or more parking spaces are lined-up behind each other.

Telecommunication Tower. See Wireless Communication Facility.

Temporary Use. A land use established for a specific period of time that is discontinued at the end of such time.

Temporary Events. Activities that are held within a specific time period and that cease after such time. These include fairs, festivals, circus, sale of pumpkins, Christmas trees, etc., and other similar events.

Temporary Housing Unit, Construction. A mobile home or recreational vehicle that is placed on a lot or tract of land for the purpose of providing temporary housing for an

CHAPTER 18.20: DEFINITIONS

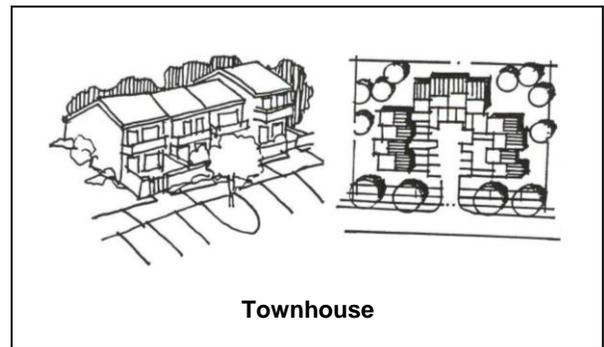
individual who is in the process of constructing a permanent use or structure on the same lot or tract in accordance with a valid Building Permit.

Temporary Housing Unit. A mobile home or manufactured home that is proposed to be located temporarily on a lot, parcel, or tract of land. The lot, parcel, or tract's principal use shall be a single-family detached dwelling. The temporary housing unit shall be occupied by the parent or parents of the occupants of the dwelling, or not more than one individual who is a close relative of the occupants of the principal dwelling. An occupant of the temporary housing unit because of age, disability, prolonged infirmity, or other similar incapacitation is unable to independently maintain a separate type of residence without human assistance.

Terminal Post Office. A government operated principal mail handling facility for a postal geographic service area.

Title. Title 18 of the Hawaiian Gardens Municipal Code or the Zoning Code, unless otherwise noted.

Townhouse or Townhome. A dwelling unit attached typically to two or more other dwelling units by means of a roof and/or interior wall, with each dwelling unit occupying its own lot.



Toxic Materials. See Hazardous Material. Substances and materials that are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Tract. A parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

Trailer. See Automobile Trailer.

Transient. A person who receives lodging accommodations, with or without meals for a period of 30 days or less, such as travelers and tourists.

Transmission Line. An electric power line bringing energy to a receiving or distribution substation.

Trash Facilities or Trash Collection Areas. Areas provided for the collection and collective removal of trash and recycling materials. Also, the area where trash and recycling receptacles are stored.

Tree, Mature. Any tree with a trunk diameter of 8 inches or more, measured forty-eight inches above the existing grade.

Tree Nursery. A parcel of land used for the cultivation of landscaping materials and trees for commercial sale, but does not include agricultural areas for produce.

CHAPTER 18.20: DEFINITIONS

Tree Protection. Measures taken, such as temporary fencing and the use of tree wells, to protect trees from damage or loss during or after construction.

Trucking Terminal. Storage and distribution facilities having more than six heavy trucks (weighing 10,000 pounds or more when empty) on the premises at one time, excluding accessory trucking facilities incidental to the main industrial use.

Two-Family Unit. See Duplex.

U **Unit.** See Dwelling Unit.

Use or Land Use. The purpose or activity for which land or buildings are arranged, designed, or intended, or for which land or buildings are occupied or maintained and shall include any manner of performance of such activity.

Utility or Public Maintenance Facility. Facilities for open and enclosed storage and maintenance of vehicles, equipment, or related materials used in a utility or public facility.

V **Vacate.** To leave the premises permanently or abandon the use of a parcel or lot.

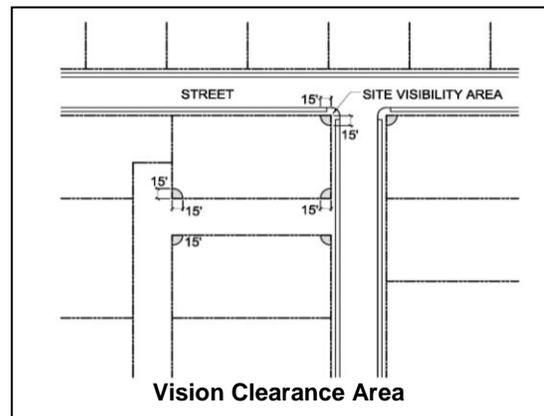
Variance. An adjustment to the development standards of the zone, as it applies to a specific property, that does not apply to the use or required density.

Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation and servicing of related equipment and parts. This includes auto repair shops, body and fender shops, wheel and brake shops, tire sales and installation, but excludes vehicle dismantling or salvage yards and tire retreading and recapping facilities.

Vendors. Persons selling goods, services or other merchandise on public rights-of-way, store entries, or other outdoor areas, either stationary or mobile.

Veterinary Clinic. Also Animal Hospital. A licensed establishment where animals are given medical or surgical treatment and care, primarily on an out-patient basis and where the boarding of animals under treatment is incidental to the principal clinic use.

Vision Clearance Area. The triangular areas located at the corners of public or private property adjacent to intersecting streets, alleys, and private driveways that are kept free of obstructions, such as fences, hedges, trees, shrubs, walls, or other objects that limit visibility for turning vehicles.



W **Wall.** The vertical exterior surface of a building or structure. Also, the vertical interior surfaces that divide a building into rooms.

CHAPTER 18.20: DEFINITIONS

Warehouse and Storage Facility. A facility designed for the provision of storage space for household or commercial goods within an enclosed building. This includes storage facilities, mini storage facilities, but excludes truck terminals. While a warehouse does not provide exclusive use of a contained or uncontained storage space to an individual, a self-storage facility rents or leases storage space to persons for their exclusive storage use of that space. See Self-Storage Facility.

Warehouse Club. A business establishment selling primarily bulk merchandise and charging membership dues or otherwise restricting sales to customers paying periodic access fees.

Wastewater. Water-carrying waste from domestic, commercial, or industrial facilities, together with other waters that may inadvertently enter the sewer system through infiltration and inflow.

Wireless Communication Facility. Facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC and unlicensed wireless services including but not limited to associated equipment shelter, support tower, and antenna array.

Attached Cellular Communication Facility. A cellular facility that is affixed to an existing structure, such as an existing building, tower, water tank, utility pole, etc.

Camouflaged or Concealed Telecommunications Design. Also Stealth Design. A personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a telecommunication tower; or, a personal wireless service facility that is placed within an existing or proposed structure; or, a new telecommunication tower that is hidden within trees or other feature so as to be significantly screened from view.

Cell on Wheels (COW). A mobile telecommunications facility transported by a motor vehicle for temporary on-site use.

Cellular Communication Support Structure. The structure erected to support cellular communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles, or guyed towers.

Co-location. The use of a single support structure, including but not limited to, a building, monopole, lattice tower, water tank, or other structure by more than one licensed personal wireless communication service provider.

Communication Service Provider. A corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity, and individual licensed to provide personal wireless service or personal wireless communication facilities.

Telecommunication Tower or Transmission Tower. A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission

CHAPTER 18.20: DEFINITIONS

towers, microwave towers, common-carrier towers, cellular telephone towers, or personal communications services towers, and alternative tower structures.

Telecommunications Radio Relay Station. A facility containing structure and equipment for the transmission of telecommunications messages between telephone system facilities, by microwave radio or similar technologies.

Wholesale, Distribution, and Storage. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies, not including retail sales. Also includes the storage and distribution of goods and supplies within an enclosed building. See Warehouse and Storage Building and Self-Storage Facility.

X

Y

Yard. An area defined by the required setbacks on any lot, unoccupied by a structure and unobstructed from the ground to the sky, except as otherwise permitted by this Zoning Code.

Front Yard. A yard lying between the nearest line of any structure and the front lot line and extending across the full width of the lot.

Rear Yard. A yard lying between the nearest line of any structure and the rear lot line and extending across the full width of the lot.

Side Yard. The yard between the side exterior wall of a building and the nearest side lot line, extending from the front yard to the rear yard.

Youth Hostel. A supervised lodging facility for young travelers.

Z

Zone. A specific area or district in the City, where uniform development standards and land uses have been established by this Zoning Code, the boundaries of which are defined in this Zoning Code and shown in the Zoning Map.

Zone Change. An official act of amending this Zoning Code by changing the applicable zone designation for a parcel or lot or moving the zone boundaries in the Zoning Map.

Zoning Code. The Zoning Code of the City of Hawaiian Gardens.

Zoning Code Amendment. An official act of amending the text of this Zoning Code, including revisions to the standards and procedures contained in this Zoning Code.

18.20.040 Code Interpretation.

Whenever there is uncertainty over the meaning of the terms in this Zoning Code, official interpretation of the provisions of this Zoning Code shall be made by the Community Development Director. Such interpretations may be referred by the Community Development Director to the Planning Commission and the City Council for review, if the Director determines on a case-by-case basis, that the public interest would be better served by such referral.

CHAPTER 18.20: DEFINITIONS

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- 18.30.010 Text and Official Zoning Map.**
 - 18.30.020 Zone Boundaries.**
-

CHAPTER 18.30 ZONING MAP

18.30.010 Text and Official Zoning Map.

The Hawaiian Gardens Zoning Code shall consist of text and the official Zoning Map, in accordance with the following:

- A. Zones.** The City of Hawaiian Gardens is divided into the following zones, which are consistent with and implement the policies of the General Plan:

- R-1:10,000 - Single Family Estate Zone
- R-1 - Single Family Residential Zone
- R-2 - Medium Density Residential Zone
- R-3 - Intermediate Density Residential Zone
- R-4 - High Density Residential Zone
- MHP - Mobilehome Park Zone
- C-2 - Downtown Commercial Zone
- C-4 - General Commercial Zone
- M-1 - Light Industrial Zone
- PF - Public Facilities Zone
- SP - Specific Plan Zone
- (BC) – Bingo Club Overlay Zone
- (CC) – Card Club Overlay Zone
- (PD) - Planned Development Overlay Zone
- (P) – Park Overlay Zone

- B. Zoning Map.** The boundaries of the zones established in this Zoning Code are shown on the map entitled “City of Hawaiian Gardens Zoning Map”. The City of Hawaiian Gardens Zoning Map shows the location and the boundaries of the various zones in the City of Hawaiian Gardens and is an integral part of this Zoning Code. This map is on file with the Community Development Department and available for public examination and purchase.

- C. Special Symbols.** The City may establish alternate development standards for a particular geographic area other than those set forth for the zone covering the area. Such development standards shall supersede or shall be in addition to those contained in *Chapters 18.40 to 18.70* of this Zoning Code and shall be specified by means of one or more of the following symbols on the official Zoning Map:

1. *Lot Size.* A number following the zone designation and connected by a colon shall designate the minimum lot size in square feet.

Example: R-1:10,000

2. *Overlay Zone.* Letters enclosed in parenthesis and following the zone designation and/or connected by a hyphen shall designate an overlay zone. This indicates that special development

CHAPTER 18.30: ZONING MAP

standards are applicable to the area within the overlay zone, when it is developed in accordance with the use of the overlay zone.

Example: C-4 (CC) and R-3 (PD)

However, the Park Overlay Zone (P) refers to a floating zone that designates the general area where a future park may be developed. No specific development standards would apply to projects on parcels with the Park Overlay Zone.

3. *Public Facilities Zone.* Letters within the different areas designated as Public Facilities refer and identify the land use of the zone but do not mean or call for any specific zone standards outside of those specified for the Public Facilities zone.

Example: CO – City Offices, PO – Post Office, P – Park, FS- Fire Station, CH - Church, H – Hospital, ES – Elementary School and JHS - Junior High School

18.30.020 Zone Boundaries.

In determining the exact boundaries of the zones on the Zoning Map, the following rules shall apply:

- A. Boundaries following the centerlines of streets, alleys, or other right-of-way shall be construed as congruent with such centerlines. Boundaries indicated as approximately following the right-of-way lines of streets shall be construed as congruent with such right-of-way lines and shall further be construed as moving with such right-of-way lines.
- B. Boundaries following lot lines, section lines, or City limits shall be construed as congruent with such lines.
- C. Boundaries indicated as parallel to or extensions of lot lines, section lines, or City limits shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- D. Where any public right-of-way is officially vacated or abandoned, the zone boundaries of the abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way.
- E. In cases where uncertainty exists after application of rules A to D above, the exact boundary shall be determined by written decision of the Community Development Director.

CHAPTER 18.40: RESIDENTIAL ZONES

- 18.40.010 R-1:10,000 - Single Family Estate Zone.
- 18.40.020 R-1 - Single Family Residential Zone.
- 18.40.030 R-2 - Medium Density Residential Zone.
- 18.40.040 R-3 - Intermediate Density Residential Zone.
- 18.40.050 R-4 - High Density Residential Zone.
- 18.40.060 MHP - Mobilehome Park Zone.
- 18.40.070 Uses Permitted in Residential Zones.

CHAPTER 18.40 RESIDENTIAL ZONES

Residential zones are designed and intended to provide residents of the City with a comfortable, healthy, safe, and pleasant living environment.

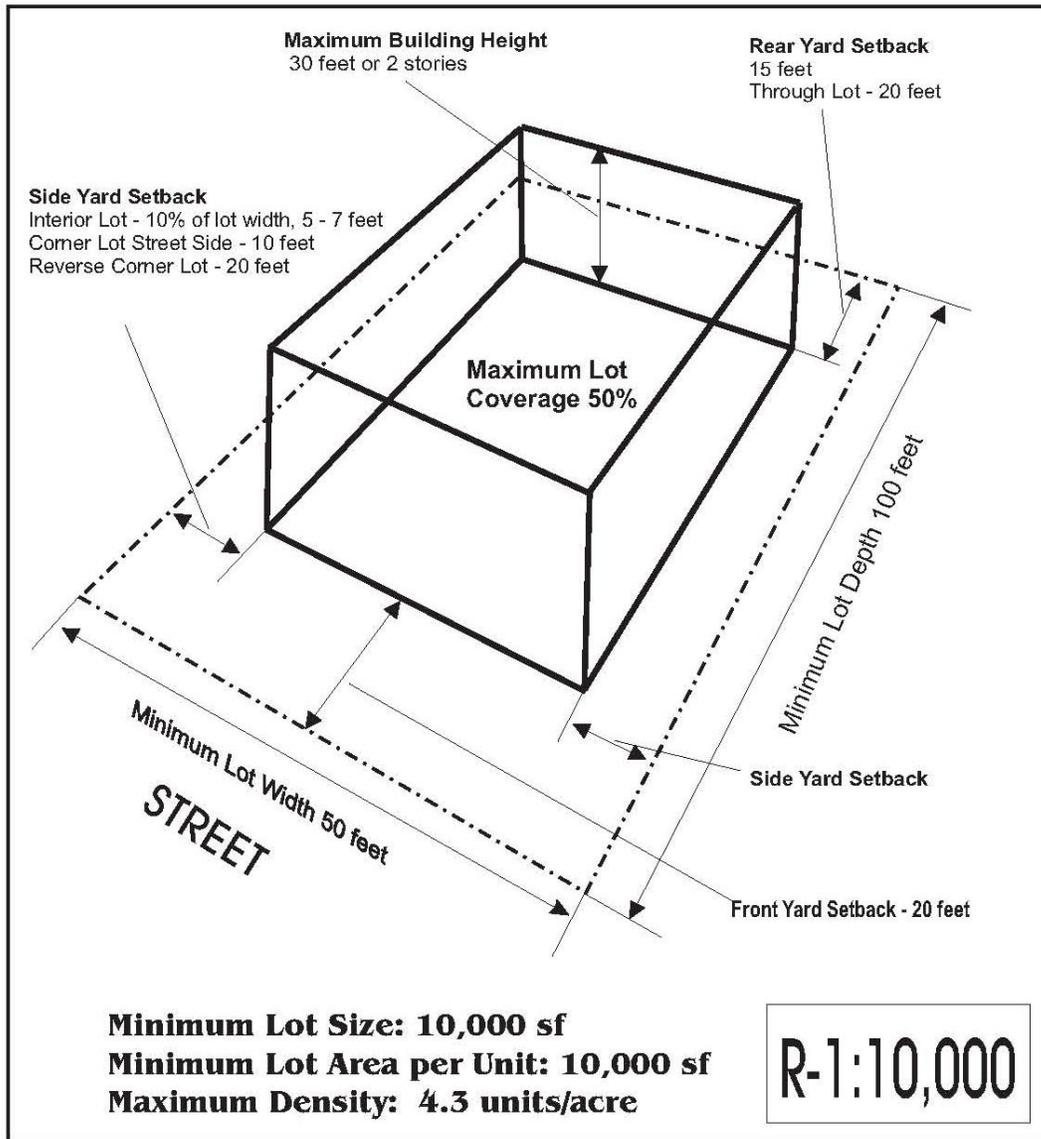
18.40.010 R-1:10,000 - Single Family Estate Zone.

- A. **Purpose.** The purpose of the Single Family Estate (R-1:10,000) zone is to provide safe, attractive and stable environment for large lot single-family residential development. This designation is intended to promote detached single-family units with adequate area for homes, yards, and accessory uses. The “10,000” suffix refers to the minimum lot size requirement, in square feet, for lots within this zone.
- B. **Permitted Uses.** Permitted uses are set forth in *Section 18.40.070*, below.
- C. **Development Standards.** All development within the R-1:10,000 zone, including nonresidential uses shall comply with the following development standards:

R-1:10,000 STANDARDS	
Maximum Number of Units per Lot	One dwelling unit per lot
<i>Minimum Lot Size</i>	10,000 square feet
Minimum Lot Width	50 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	50%
<i>Setbacks</i>	
Front	20 feet
Standard Side	10% of lot width, minimum of 5 feet and maximum of 7 feet
<ul style="list-style-type: none"> • Street Side of Corner Lots • Within rear 20 feet of Reverse Corner Lot 	10 feet 20 feet
Rear	15 feet
<ul style="list-style-type: none"> • Through Lot 	20 feet
Maximum Height	2 stories or 30 feet, whichever is less
<i>Minimum Floor Area</i>	1,700 square feet per dwelling unit
<i>Minimum Distance Between Buildings</i>	8 feet

Requirements for parking, landscaping, trash enclosures, fences, walls, outdoor storage, etc. and residential design guidelines are provided in *Chapter 18.50: Residential Regulations*.

CHAPTER 18.40: RESIDENTIAL ZONES



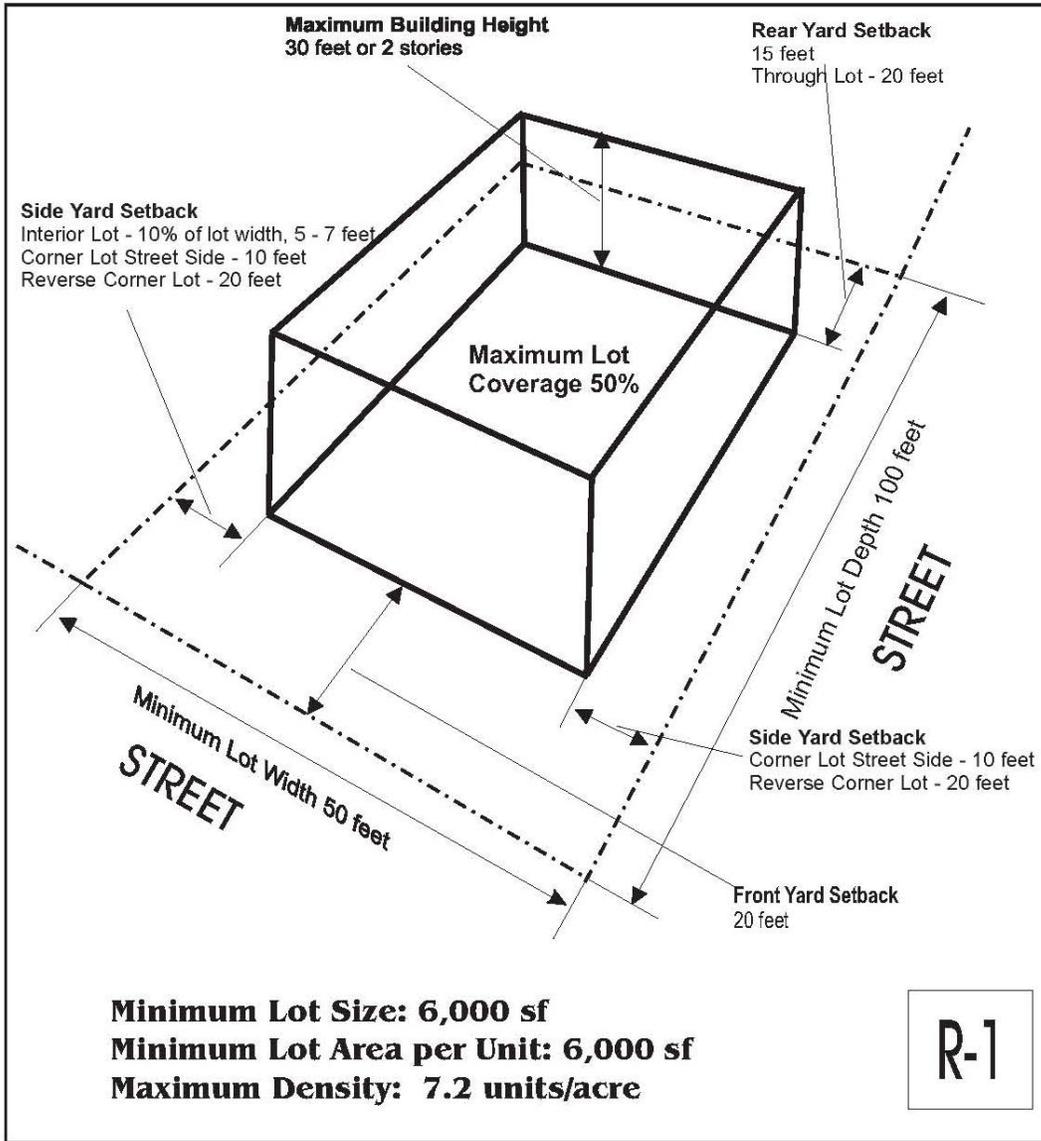
18.40.020 R-1 - Single Family Residential Zone.

- A. **Purpose.** The purpose of the Single Family Residential (R-1) zone is to provide areas for the development of detached single-family units at low densities, to promote the preservation of existing detached single family residential units and to encourage redevelopment of these areas with similar land uses.
- B. **Permitted Uses.** Permitted uses are set forth in *Section 18.40.070*, below.
- C. **Development Standards.** All development within the R-1 zone, including nonresidential uses shall comply with the following development standards:

R-1 STANDARDS	
Maximum Number of Units per Lot	One dwelling unit per lot
<i>Minimum Lot Size</i>	6,000 square feet
<i>Minimum Lot Width</i>	50 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	50%
<i>Setbacks</i>	
Front	20 feet
Standard Side	10% of lot width, minimum of 5 feet and maximum of 7 feet Exception: 3 feet on 25-foot wide lots allowed
• Street Side of Corner Lots	10 feet
• Within rear 20 feet of Reverse Corner Lot	20 feet
Rear	15 feet
• Through Lot	20 feet
<i>Maximum Height</i>	2 stories or 30 feet, whichever is less
<i>Minimum Distance Between Buildings</i>	8 feet
<i>Minimum Floor Area</i>	1,500 square feet per dwelling unit

Requirements for parking, landscaping, trash enclosures, fences, walls, outdoor storage, etc. and residential design guidelines are provided in *Chapter 18.50: Residential Regulations*.

CHAPTER 18.40: RESIDENTIAL ZONES



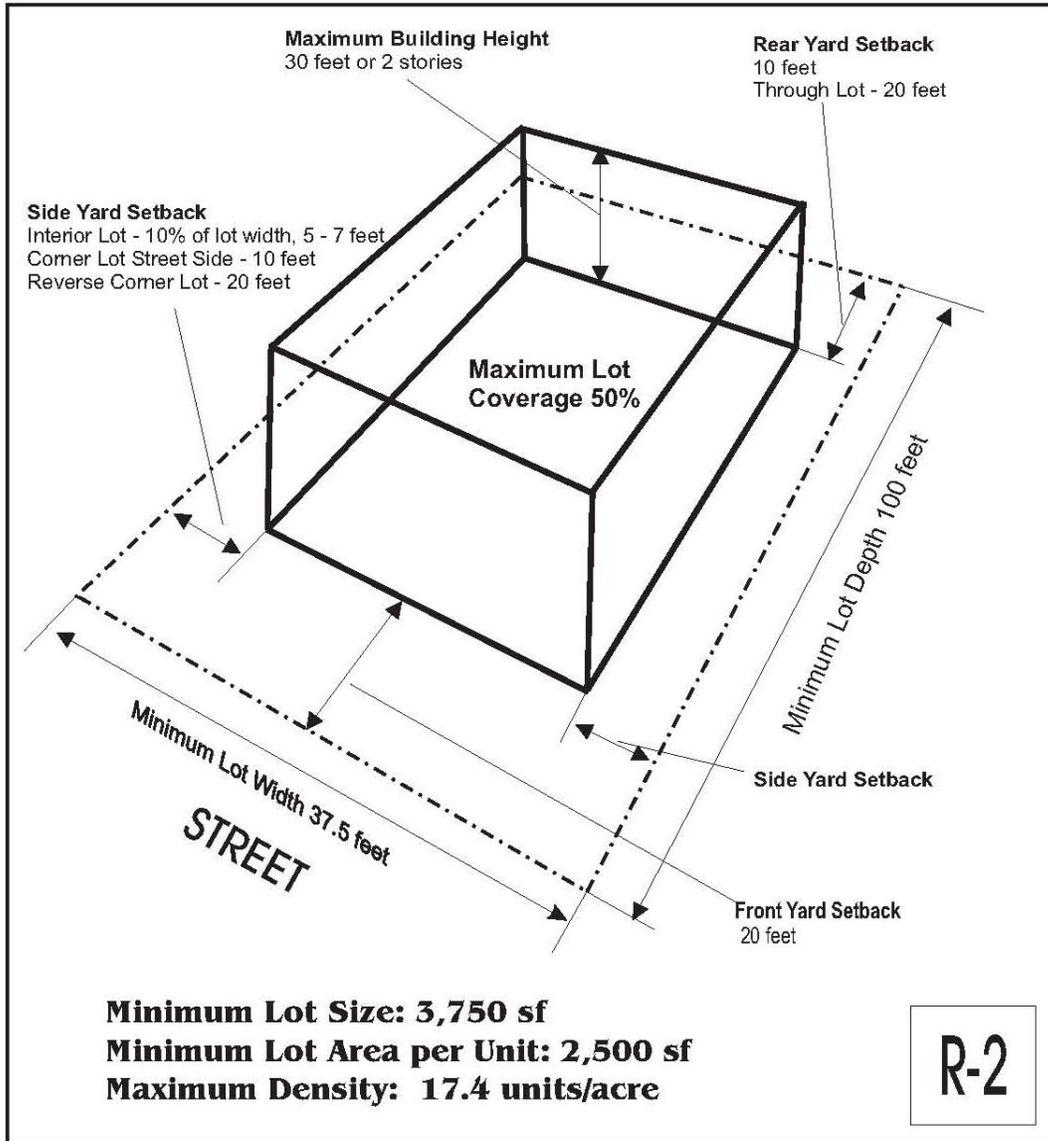
18.40.030 R-2 - Medium Density Residential Zone.

- A. Purpose.** The purpose of the Medium Density Residential (R-2) zone is to provide a safe, attractive and stable environment for single-family, duplex, and other medium density multi-family residential uses. This zone is intended to encourage and stabilize existing medium density developments, such as one or two single-family detached units, two-family units, or group homes.
- B. Permitted Uses.** Permitted uses are set forth in *Section 18.40.070*, below.
- C. Development Standards.** All development within the R-2 zone, including nonresidential uses shall comply with the following development standards:

R-2 STANDARDS	
<i>Minimum Lot Area per Unit</i>	2,500 square feet
<i>Minimum Lot Area</i>	3,750 square feet
<i>Minimum Lot Width</i>	37.5 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	50%
<i>Setbacks</i>	
Front	20 feet
Standard Side	10% of lot width, minimum of 5 feet and maximum of 7 feet Exception: 3 feet on 25 foot wide lots allowed
<ul style="list-style-type: none"> • Street Side of Corner Lots • Within rear 20 feet of Reverse Corner Lot 	10 feet 20 feet
Rear	10 feet
<ul style="list-style-type: none"> • Through Lot (Street) • Through Lot (Alley) 	20 feet 10 feet
<i>Maximum Height</i>	2 stories or 30 feet, whichever is less
<i>Minimum Distance Between Buildings</i>	8 feet
<i>Minimum Floor Area per Dwelling Unit</i>	Single Family - 1,500 square feet Bachelor apartment - 450 square feet 1-bedroom unit - 750 square feet 2+-bedroom unit - 950 square feet
<i>Open Space for parcels with two units or a duplex</i>	130 square feet per unit, consisting of:
<ul style="list-style-type: none"> • Common Useable Open Space • Private Useable Open Space 	50 square feet per unit 80 square feet per unit adjacent to unit, minimum dimension of 6 feet
<i>Open Space for parcels with three units or more, multi-family projects, apartments, condominiums and condominium conversions</i>	500 square feet per unit, consisting of:
<ul style="list-style-type: none"> • Common Useable Open Space (tot lots, recreation areas and facilities, etc.) • Private Useable Open Space (patios, balconies, terraces, etc.) 	350 square feet per unit 150 square feet per unit adjacent to unit, with a minimum dimension of 6 feet

CHAPTER 18.40: RESIDENTIAL ZONES

Requirements for parking, landscaping, trash enclosures, fences, walls, outdoor storage, etc. and residential design guidelines are provided in *Chapter 18.50: Residential Regulations*.



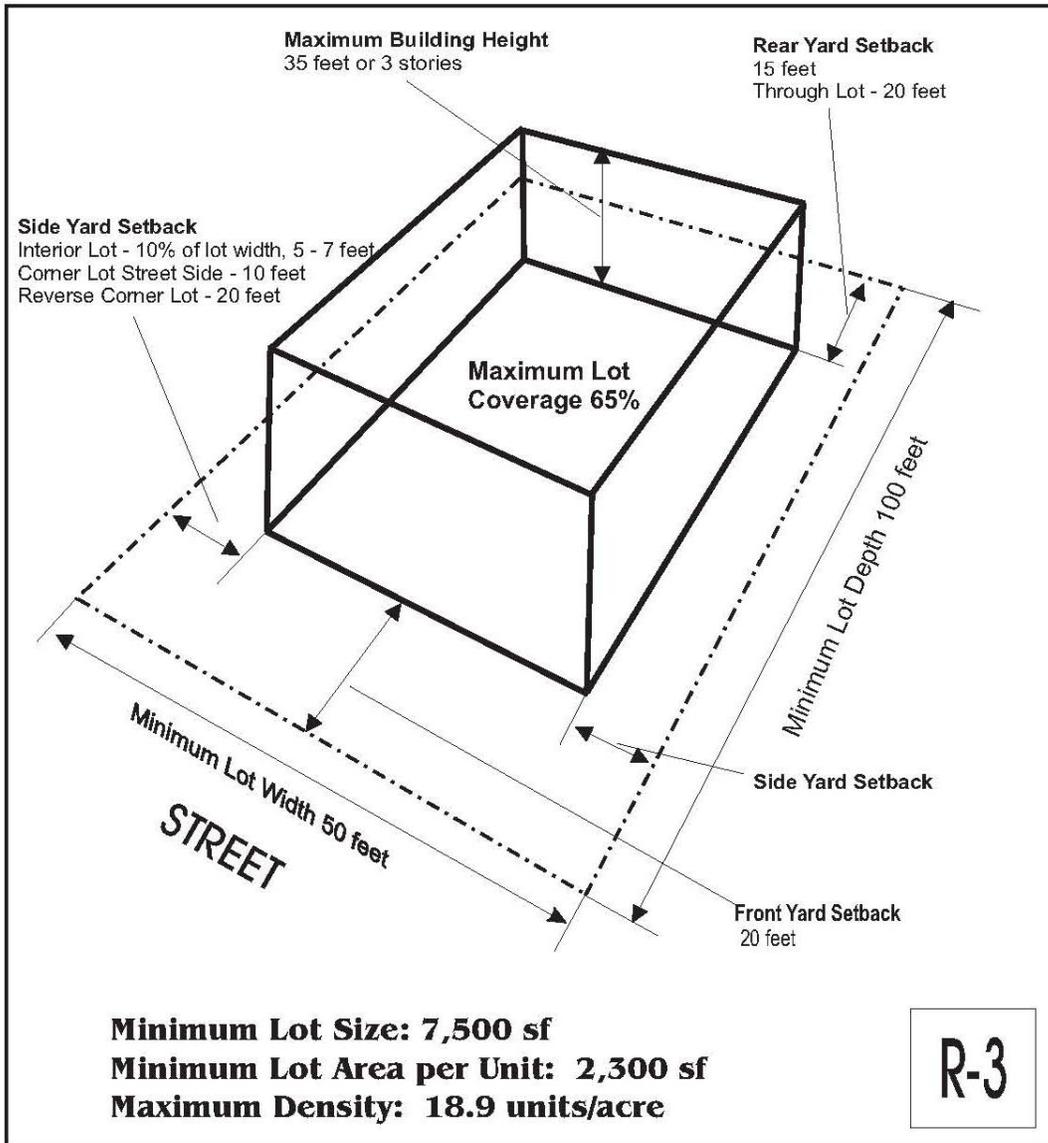
18.40.040 R-3 - Intermediate Density Residential Zone.

- A. Purpose.** The purpose of the Intermediate Density Residential (R-3) zone is to provide areas for multi-family residential developments where adequate services, traffic circulation, and the existence of open space and recreation areas are available. These areas are intended to accommodate several detached single-family homes on one lot or small-scale multi-family development projects.
- B. Permitted Uses.** Permitted uses are set forth in *Section 18.40.070*, below.
- C. Development Standards.** All development within the R-3 zone, including nonresidential uses shall comply with the following development standards:

R-3 STANDARDS	
<i>Minimum Lot Area per unit</i>	2,300 square feet
<i>Minimum Lot Size</i>	7,500 square feet
<i>Minimum Lot Width</i>	50 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	65%
<i>Setbacks</i>	
Front	20 feet
Standard Side	10% of lot area, minimum of 5 feet and a maximum of 7 feet
• Street Side of Corner Lots	10 feet
• Within rear 20 feet of Reverse Corner Lot	20 feet
Rear	15 feet
• Through Lot	20 feet
<i>Maximum Height</i>	3 stories or 35 feet, whichever is less
<i>Minimum Distance Between Buildings</i>	8 feet
<i>Minimum Floor Area per Dwelling Unit</i>	Single Family - 1,500 square feet Efficiency apartment – 450 square feet 1-bedroom unit - 750 square feet 2+-bedroom unit - 950 square feet
<i>Open Space for multi-family projects, apartments, condominiums and condominium conversions</i>	500 square feet per unit, consisting of:
• Common Useable Open Space (tot lots, recreation areas and facilities, etc.)	350 square feet per unit
• Private Useable Open Space (patios, balconies, terraces, etc.)	150 square feet per unit adjacent to unit, with a minimum dimension of 6 feet
•	

Requirements for parking, landscaping, trash enclosures, fences, walls, outdoor storage, etc. and residential design guidelines are provided in *Chapter 18.50: Residential Regulations*.

CHAPTER 18.40: RESIDENTIAL ZONES

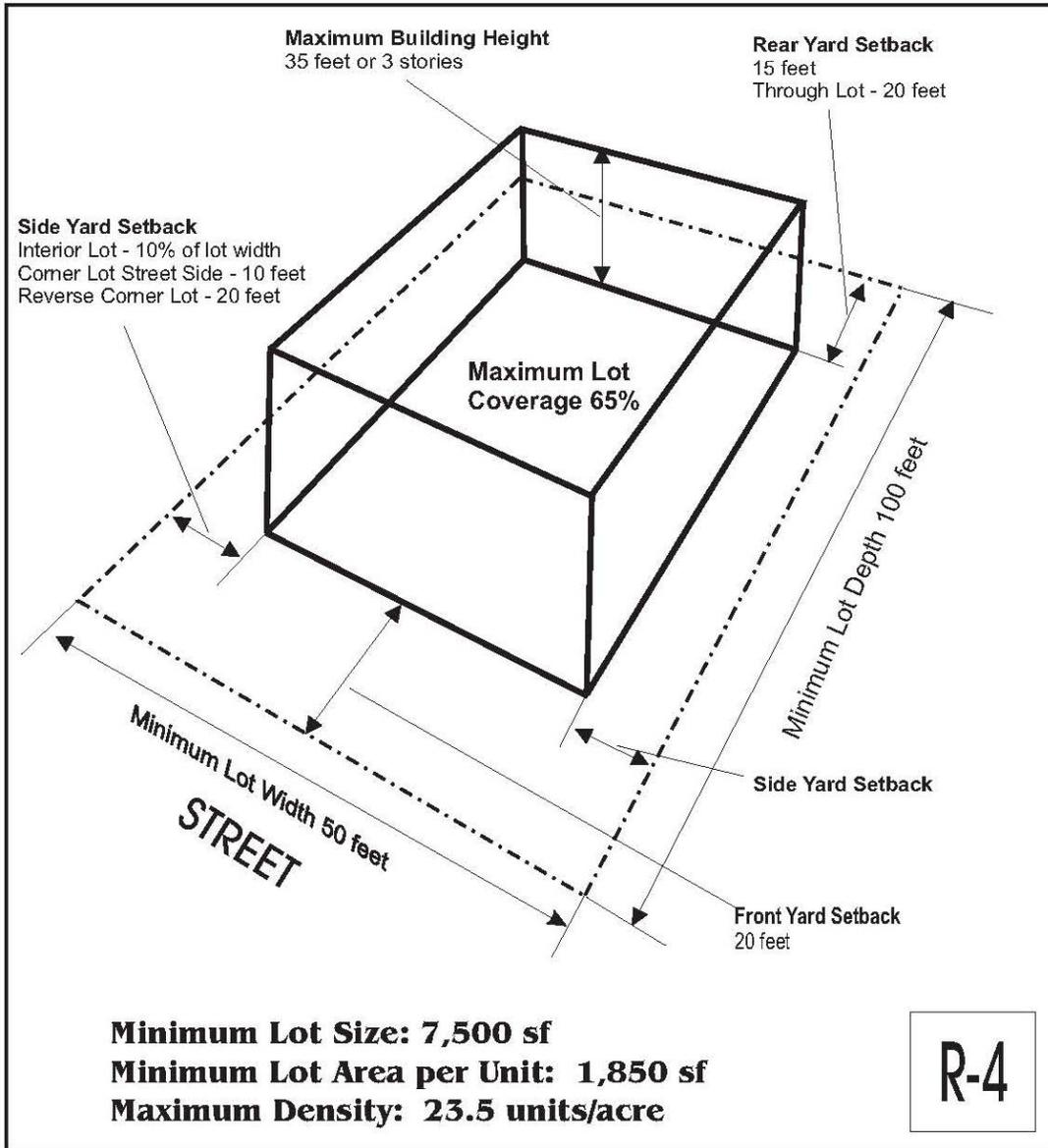


18.40.050 R-4 - High Density Residential Zone.

- A. Purpose.** The purpose of the High Density Residential (R-4) zone is to provide areas for multiple family residential developments where adequate services, traffic circulation, and the existence of open space and recreation areas are available. These are found in areas that provide a transition to non-residential zones and are primarily intended for apartments, condominiums and other high-density multi-family developments.
- B. Permitted Uses.** Permitted uses are set forth in *Section 18.40.070*, below.
- C. Development Standards.** All development within the R-4 zone, including nonresidential uses shall comply with the following development standards:

R-4 STANDARDS	
<i>Minimum Lot Area per unit</i>	1,850 square feet
<i>Minimum Lot Size</i>	7,500 square feet
<i>Minimum Lot Width</i>	50 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	65%
<i>Setbacks</i>	
Front	20 feet
Standard Side	10% of lot width, minimum of 5 feet
• Street Side of Corner Lots	10 feet
• Within rear 20 feet of Reverse Corner Lot	20 feet
Rear	15 feet
• Through Lot	20 feet
<i>Maximum Height</i>	3 stories or 35 feet, whichever is less
<i>Minimum Distance Between Buildings</i>	8 feet
<i>Minimum Floor Area per Dwelling Unit</i>	Single Family - 1,500 square feet Efficiency apartment – 450 square feet 1-bedroom unit - 750 square feet 2+-bedroom unit - 950 square feet
<i>Open Space for multi-family projects, apartments, condominiums and condominium conversions</i>	500 square feet per unit, consisting of:
• Common Useable Open Space (tot lots, recreation areas and facilities, etc.)	350 square feet per unit
• Private Useable Open Space (patios, balconies, terraces, etc.)	150 square feet per unit adjacent to unit, with a minimum dimension of 6 feet

CHAPTER 18.40: RESIDENTIAL ZONES



CHAPTER 18.40: RESIDENTIAL ZONES

18.40.060 Requirements for parking, landscaping, trash enclosures, fences, walls, outdoor storage, etc. and residential design guidelines are provided in Chapter 18.50: Residential Regulations.MHP - Mobilehome Park Zone.

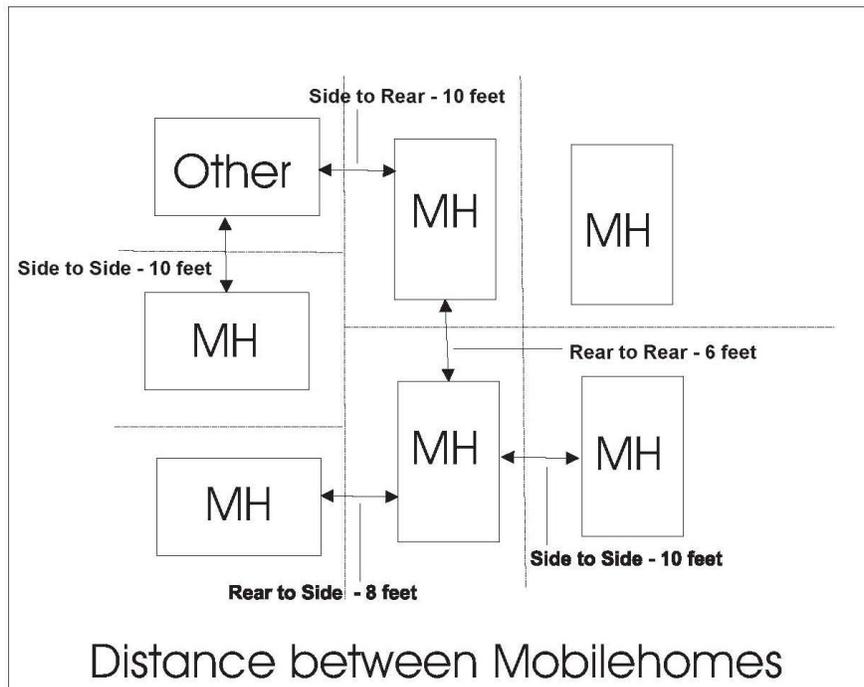
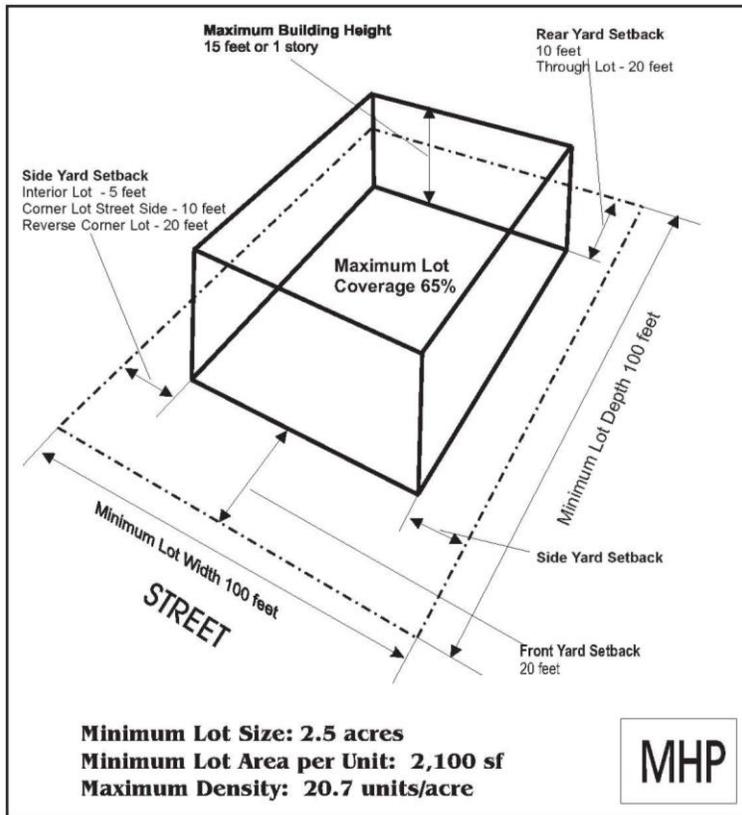
- A. Purpose.** The purpose of the Mobilehome Park (MHP) zone is to preserve existing mobilehome park sites, consistent with the City’s goals of accommodating alternative housing types, and to provide supplemental regulations for the operation and maintenance of mobilehome parks.
- B. Permitted Uses.** Permitted uses are set forth in Section 18.40.070, below.
- C. Development Standards.** Construction of mobilehomes and mobilehome parks are subject to the California Code of Regulations, Title 25, Division 1 and operation of a mobilehome park is subject to the California Civil Code Section 798 (Mobilehome Residency Law) and the California Health and Safety Code Section 18000 (Mobilehomes-Manufactured Housing Act of 1980). In addition, development within the MHP zone in the City shall comply with the following development standards:

MOBILEHOME PARK STANDARDS	
<i>Minimum Lot Size for Mobilehome Park</i>	2.5 acres
<i>Minimum Lot Width of Mobilehome Park</i>	100 feet
<i>Minimum Lot Depth of Mobilehome Park</i>	100 feet
<i>Maximum Lot Coverage of Mobilehome Park</i>	65%
<i>Setbacks</i>	
Front (from exterior streets)	20 feet
Standard Side (from property lot lines)	5 feet
• Street Side of Corner Lots	10 feet
• Within rear 20 feet of Reverse Corner Lot	20 feet
Rear (from property lot lines)	10 feet
• Through Lot	20 feet
<i>Open Space</i>	50 square feet/unit of common open space

INDIVIDUAL MOBILEHOME LOT/SPACE STANDARDS	
<i>Minimum Lot Size of Mobilehome Lot</i>	2,100 square feet
<i>Maximum Height of mobilehome or accessory structure</i>	1 story or 15 feet, whichever is less
<i>Minimum Distance Between Mobilehomes</i>	10 feet side to side 8 feet side to rear 6 feet rear to rear 10 feet between each building other than a mobilehome accessory structure
The area between mobilehomes may be used as landscaped areas, parking, and private open space but shall not accommodate accessory structures.	
<i>Open Space</i>	80 square feet/unit of private open space

CHAPTER 18.40: RESIDENTIAL ZONES

Requirements for parking, landscaping, trash enclosures, fences, walls, outdoor storage, etc. and residential design guidelines are provided in *Chapter 18.50: Residential Regulations*.



CHAPTER 18.40: RESIDENTIAL ZONES

18.40.070 Uses Permitted In Residential Zones.

A. **Uses and Structures Permitted.** The table of Permitted Uses, below, lists the specific uses and structures which are permitted within each Residential zone. No use is permitted in a parcel in any zone unless it is in full compliance with applicable standards and regulations, as contained in this Zoning Code. The letters in the columns beneath the zone designations mean the following:

1. **P** - Permitted as a principal use within the zone.
2. **C** - Permitted as a principal or accessory use if a conditional use permit is approved.
3. **M** - Permitted as a principal or accessory use if a minor use permit is approved.
4. **H** - Permitted as a home occupation only with an approved Home Occupation Permit.
5. **T** - Permitted as a temporary use with an approved Temporary Use Permit.
6. **X** - Prohibited in that district, unless it is a legally established nonconforming use.

USES PERMITTED IN RESIDENTIAL ZONES				
Land Use	Single-Family Estate and Single Family Residential Zones (R-1:10,000 and R-1)	Medium and Intermediate Density Residential Zones (R-2 and R-3)	High Density Residential Zone (R-4)	Mobilehome Park Zone (MHP)
Residential Uses				
Accessory Dwelling Unit, subject to Section 18.90.80	P	P	P	X
Accessory Structures (excluding garages) under 400 square feet	P	P	P	P
Accessory Structures (excluding garages) over 400 square feet	X	X	X	X
Affordable Housing	P	P	P	X
Apartment (multi-family rental units)	X	P	P	X
Bed and Breakfast Inns	C	C	C	X
Boarding House	M	M	M	X
Clustered Development	X	C	C	X
Community Care Facility, Small (6 or fewer)	M	M	M	X
Community Care Facility, Large (7 to 14)	X	C	C	X
Condominium (residential)	X	C	C	X
Convents/Monastery	X	C	C	X
Duplex or Two-Family Dwelling	X	P	P	X
Employee Quarters (manager, caretaker or proprietor quarters)	X	P	P	P
Factory-built Housing	P	P	P	X

CHAPTER 18.40: RESIDENTIAL ZONES

USES PERMITTED IN RESIDENTIAL ZONES				
Land Use	Single-Family Estate and Single Family Residential Zones (R-1:10,000 and R-1)	Medium and Intermediate Density Residential Zones (R-2 and R-3)	High Density Residential Zone (R-4)	Mobilehome Park Zone (MHP)
Granny Flat	M	M	M	X
Guest House	M	M	M	X
Guest Room	P	P	P	X
Lodging Houses	M	M	M	X
Manufactured Housing	P	P	P	X
Mobilehome	X	X	X	C
Mobilehome Park	X	X	X	C
Planned Development	X	C	C	X
Rooming Houses	M	M	M	X
Single-Family Residential	P	P	P	X
Senior Housing	X	C	C	X
Youth Hostels	X	C	C	X

USES PERMITTED IN RESIDENTIAL ZONES				
Land Use	Single-Family Estate and Single Family Residential Zones (R-1:10,000 and R-1)	Medium and Intermediate Density Residential Zones (R-2 and R-3)	High Density Residential Zone (R-4)	Mobilehome Park Zone (MHP)
Institutional Uses				
Administrative Government Services	X	X	X	X
Adult Day Care	C	C	X	X
Churches, convents, monasteries, other religious institutions, and other places of public assembly	C	C	C	X
Cultural Facilities	C	C	C	C
Community Care Facility (6 or fewer)*	M	M	M	X
Community Care Facility (more than 6)	C	C	C	X
Community Centers, Lodges, Social Halls	X	C	C	C
Congregate Care (6 or fewer)	M	M	M	X
Congregate Care (more than 6)	X	C	C	X
Convalescent Facility (6 or fewer)	M	M	M	X
Convalescent Facility (more than 6)	C	C	C	X
Educational Facilities	C	C	C	X

CHAPTER 18.40: RESIDENTIAL ZONES

USES PERMITTED IN RESIDENTIAL ZONES				
Land Use	Single-Family Estate and Single Family Residential Zones (R-1:10,000 and R-1)	Medium and Intermediate Density Residential Zones (R-2 and R-3)	High Density Residential Zone (R-4)	Mobilehome Park Zone (MHP)
Child Day Care Home, Small (up to 8 children)*	P	P	P	X
Child Day Care Home, Large (9 to 14 children)*, ***	M	M	M	X
Fire Station	C	C	C	X
Foster Family Home (6 or fewer)*	M	M	M	X
Foster Family Home (more than 6)	C	C	C	X
Group Homes, Small*	P	P	P	X
Group Homes, Large*	M	M	M	X
Home-Based Day Care (Adult and Child)*	C	C	C	X
Institutional Uses (facilities for treatment of aged persons, children, alcoholics, wounded, mentally infirm, etc.)	X	C	C	X
Libraries	C	C	C	X
Museum	X	X	C	X
Nursery School	C	C	C	C
Nursing Home/Rest Home	X	C	C	X
Parks (public)	P	P	P	X
Police Station	C	C	C	X
Public Flood Control Facilities	C	C	C	X
Public Maintenance Facilities	X	X	X	X
Public Utilities Substation and Facilities	C	C	C	X
Public Safety Services	C	C	C	C
Recreation, Non-profit	C	C	C	C
Residential Care for Elderly (6 or fewer)*	M	M	M	X
Residential Care for Elderly (more than 6)	X	C	C	X
Schools (Preschool, Elementary, Junior High and High)	C	C	C	X
Temporary Uses				
Temporary Housing Unit	T	T	T	T
Contractor's Temporary Office	T	T	T	T
Garage Sales, Yard Sales**	P	P	P	P
Estate Sales**	T	T	T	T
Real Estate Office (Temporary, less than 2 years)	T	T	T	T

* - Subject to regulations of the California Health and Safety Code regarding Community Care Facilities.

CHAPTER 18.40: RESIDENTIAL ZONES

** - See Section 18.90.150, Garage and Yard Sales.

*** - Requires a Home Occupation Permit

USES PERMITTED IN RESIDENTIAL ZONES				
Land Use	Single-Family Estate and Single Family Residential Zones (R-1:10,000 and R-1)	Medium and Intermediate Density Residential Zones (R-2 and R-3)	High Density Residential Zone (R-4)	Mobilehome Park Zone (MHP)
Other Uses				
Agriculture Produce Stands	X	X	X	X
Animal Raising or Breeding	X	X	X	X
Camping and Picnic Areas	X	X	X	X
Central Office Switching Unit	C	C	C	C
Containers, subject to Section 18.50.060(I)	T	T	T	T
Detached Garages	P	P	P	P
Game Courts (basketball, tennis, racquetball, etc.) - Private	P	P	P	P
Gardening Shed/Storage Shed	P	P	P	P
Greenhouse	M	M	M	X
Kennels	X	X	X	X
Parking Lot (Public)*	C	C	C	C
Parking Lot (Private)*	X	C	C	X
Patio Covers, decks, gazebos	P	P	P	P
Photo Studio	X	X	X	X
Home occupations, subject to Section 18.100.070	H	H	H	H
Relocatable Buildings	M	M	M	X
Satellite Dishes and Antennas for individual use, subject to Section 18.90.010	P	P	P	P
Solar Apparatus/Solar Energy System	M	M	M	M
Sun Deck	P	P	P	P
Swimming Pools, Spas, Hot Tubs, and Cabanas	P	P	P	P
Telecommunication Towers	X	X	X	X
Tree/ Plant Nursery	X	X	X	X
Utility Company Facility	C	C	C	C
Utility Equipment Structure	C	C	C	C
Wireless Communication Facility	X	X	X	X

* - parking lot must be adjacent to the use it is serving. See *Subsection 18.50.010.L (Parking Lots in Residential Zones)*.

B. Uses Not Listed in Table.

1. Campers, recreational vehicles, trailers, or automobiles shall not be occupied as living quarters in any zone or public right of way.
2. Other land uses which are not listed in the table above (such as commercial and industrial land uses) are not permitted in Residential zones, unless the Community Development Director or the Planning Commission determines that such use is within one of the permitted use categories listed (e.g., principal use, conditional use, etc.).
3. Specifically, the determination of an unlisted use shall be as follows:
 - a. *Director's Authority.* For uses that are not specifically listed in the above table, the Community Development Director shall determine if the use shall be permitted in a zone. In order to determine that a use is permitted as a principal, conditional, temporary, minor or accessory use within a specific zone, the Director shall make all of the following findings:
 - The proposed use is consistent with the goals and policies of the General Plan.
 - The proposed use is compatible with the purpose and intent of the zone in which it is to be located.
 - The proposed use will not adversely affect the health, safety, or welfare of residents or other persons in the vicinity of the use.
 - The use is similar to and no more detrimental than those listed in the same zone.
 - b. *Referral to Planning Commission.* Any determination on a proposed unlisted use may be referred to the Planning Commission as a non-hearing item if the Director determines on a case-by-case basis that the public interest would be better served by such referral.
 - c. *Appeals.* Any determination on an unlisted land use may be appealed in accordance with *Section 18.100.170 Appeals* of this Zoning Code. Determinations by the Director may be appealed to the Planning Commission and determinations by the Planning Commission may be appealed to the City Council.

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18.50.010	Parking and Loading Requirements.
18.50.020	Landscaping and Screening.
18.50.030	Trash and Recycling Enclosures.
18.50.040	Fences, Walls, Gates, and Hedges.
18.50.050	Lighting and Security.
18.50.060	Outdoor Storage and Display.
18.50.070	Height of Structures.
18.50.080	Yard Encroachments.
18.50.090	Property Maintenance.
18.50.100	Residential Design Standards and Guidelines.

CHAPTER 18.50 RESIDENTIAL REGULATIONS

18.50.010 Parking and Loading Requirements.

The purpose of the parking and loading regulations is to ensure that all land uses provide adequate off-street parking facilities, loading areas, and vehicle movement area associated with development. The intent of these regulations is to ensure that the use of land does not interfere adversely with the circulation on public rights-of-way, that private on-site circulation does not pose a potential safety problem, and that surrounding uses are insulated from the impacts of off-street parking and loading facilities.

A. *Applicability.*

1. Every land use in the City shall provide permanent off-street parking facilities for vehicles and loading spaces in accordance with the provisions of this Section.
2. The minimum standards of this Section shall apply to new buildings or uses, proposed additions to or enlargements of existing buildings or uses, and any proposed changes in building occupancy or building use that would require additional parking spaces.

B. *Parking and Loading Spaces.*

1. *Number of Parking Spaces.* Required off-street parking spaces for specific uses are listed below and in *Section 18.70.010, Non-Residential Parking and Loading Requirements.* The requirement for a use not specifically mentioned shall be the same as for a specified use which has the most similar traffic and/or parking generation characteristics, as determined by the Community Development Director.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

RESIDENTIAL OFF-STREET PARKING REQUIREMENTS	
USE	REQUIRED PARKING
A. Residential Uses.	
1. Single-family Residences and two dwelling unit Multi-Family Residential	2 spaces in an enclosed garage, 5 or more bedrooms shall require the provision of a third parking space in an enclosed garage. For lots 25 feet in width or less 1 space in an enclosed garage is required.
2. Townhomes / Condominiums	2 spaces in an enclosed garage plus 0.75 guest space per unit.
3. Multi-family Residential 3+ units 1-bedroom unit 2-bedroom unit 3-bedroom unit larger than 3-bedroom units	2.0 spaces/dwelling unit plus 0.75 guest space/unit. 2.0 spaces/dwelling unit plus 0.75 guest space/unit. 2.0 spaces/dwelling unit plus 0.75 guest space/unit. 2.0 spaces/dwelling unit plus 1.0 space for each additional bedroom over 3 bedrooms plus 0.75 guest space/unit. All spaces, except guest spaces shall be in an enclosed garage.
4. Senior Housing	0.6 space/dwelling unit plus 0.5 guest space / unit.
5. Mobilehome Park	2 spaces/mobilehome plus one guest space/4 mobilehomes.
6. Convalescent/Congregate Care Facility	0.5 space/room plus 1 space/employee.
7. Rooming houses, lodging houses, clubs and fraternity houses with sleeping rooms	1 space/room.
8. Granny Flat	1 space/granny flat, in addition to parking spaces required for the principal residence.
9. Guest House	1 covered space/guest house in addition to parking spaces required for the principal residence.
10. Accessory Dwelling Unit, subject to Section 18.90.80	1 space per bedroom or efficiency unit, whichever is greater, with a minimum of 1 space in an enclosed garage.

2. *Fractions.* If the calculation of required parking spaces results in a fractional number, the fraction shall be rounded up to the next whole number.
3. *On-street Parking.* On-street parking spaces shall not be used in meeting the required off-street parking spaces.
4. *Loading Spaces.* No loading spaces are required for residential uses. Loading requirements for non-residential uses are outlined in *Section 18.70.010 Non-Residential Parking and Loading Requirements.*

C. Handicap Accessible Parking Spaces. Handicap accessible parking spaces shall be provided and constructed in accordance with State Building Code (Title 24 of the California Code of Regulations) and the sign requirements of the California Vehicle Code, Sections 22511.7 and 22511.8. In addition, the following standards shall be implemented:

1. One handicap accessible parking space shall be provided for each dwelling unit designed for people with disabilities.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

2. Handicap accessible parking spaces shall be located on the shortest possible accessible route from adjacent parking to an accessible building entrance. In facilities with multiple accessible building entrances with adjacent parking, handicap accessible parking spaces shall be dispersed and located near the accessible entrances.
3. Handicap accessible parking spaces shall be provided as follows and shall count towards meeting the total parking spaces required:

HANDICAP ACCESSIBLE PARKING SPACES	
Total Parking Spaces in the Lot	Number of Handicap Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
210 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 space per 100 above 1000

D. Parking Layout and Dimensions. Parking facilities shall be designed to conform to the following minimum standards:

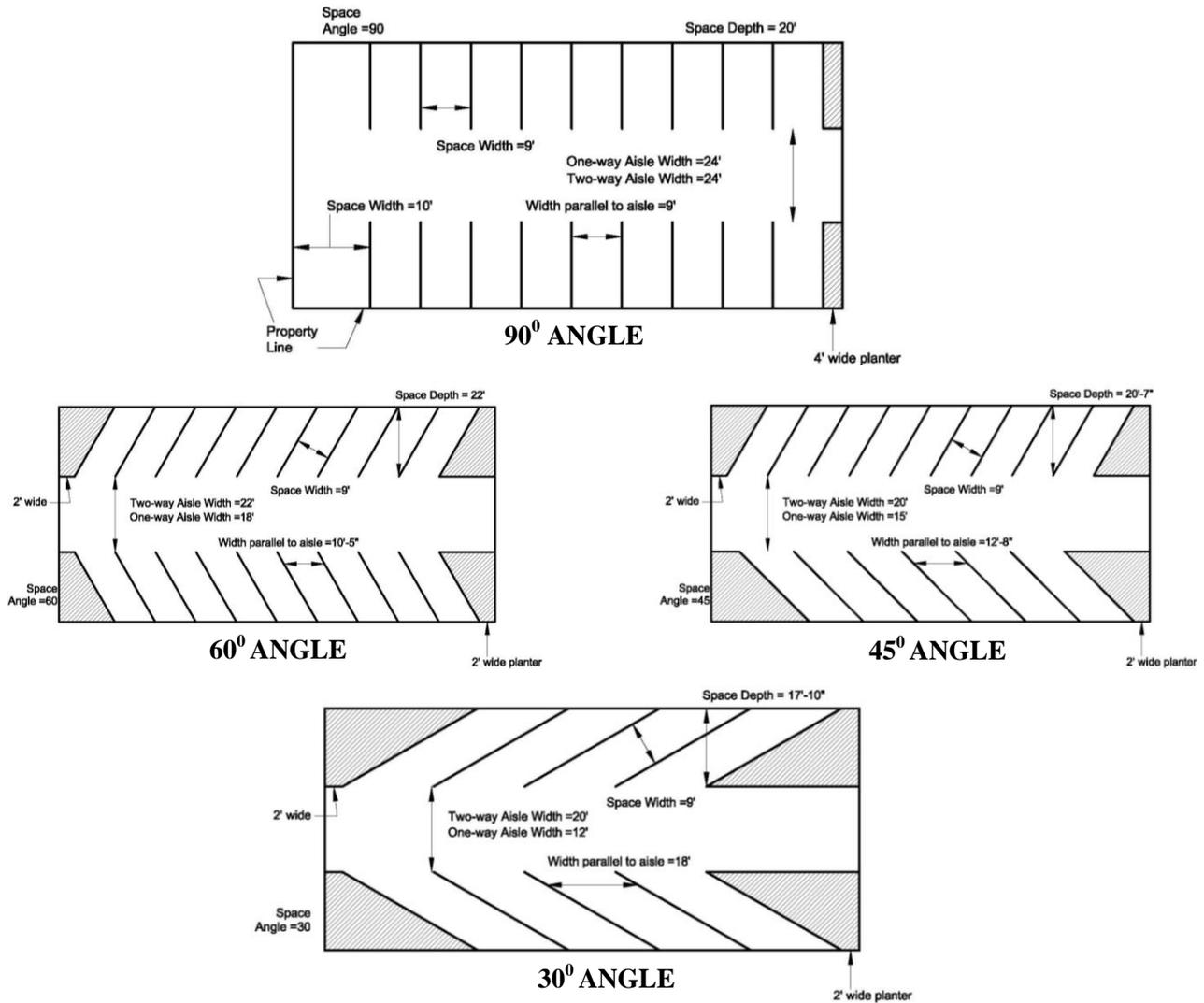
1. Parking space, drive aisles, driveways, and other parking lot facilities shall have the minimum dimensions indicated in below.

PARKING SPACE DIMENSIONS					
Space Angle	Space Width¹	Space Depth	One-Way Aisle	Two-Way Aisle²	Width of Space Parallel to Aisle
0°	22'	10'	15'	20'	22'
30°	9'	17' 10"	12'	20'	18'
45°	9'	20' 7"	15'	20'	12' – 8"
60°	9'	22'	18'	22'	10' – 5"
90°	9'	20'	24'	24'	9'

¹ - Space width is measured perpendicularly from center of stripe to center of stripe.

² - Wider aisles may be required for fire access and emergency vehicles.

CHAPTER 18.50: RESIDENTIAL REGULATIONS



2. Parking spaces parallel to the property line shall not be less than 10 feet by 22 feet per vehicle.
3. For angled parking, the minimum distance of the first parking space for angle parking shall be 10 feet from the property line.
4. Tandem parking shall not be considered as meeting the minimum off-street parking requirements for single-family dwellings unless provided as the 3rd and 4th parking space, except that tandem parking may be used for single-family dwellings located on lots less than 30 feet in width through the approval of a Minor Use Permit when it is demonstrated that doing so would result in a more efficient use of the property and the design of the project would be more aesthetically pleasing to the surrounding neighborhood.
5. No compact spaces are allowed in Residential zones.
6. All parking areas shall be striped to clearly show the layout of the parking stalls. Striping shall be at least 4 inches in width and shall be maintained in a clear, visible, and orderly manner at all times.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- E. Location of Parking Facilities.** Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.
1. Parking facilities serving residential uses shall be located on the same property as the use the parking is intended to serve.
 2. Property within the public right-of-way shall not be used to provide the required parking facilities.
 3. Required parking spaces for single family homes, duplexes, multi-family projects, condominiums, and townhouses shall be provided within an enclosed garage. No carports are allowed in lieu of the garages. Guest spaces may be provided in an open parking lot and may be provided within the rear yard setback.
 - a. The garage shall have inside dimensions of at least 12 feet by 20 feet for one car and 18 feet by 20 feet for two cars. The depth of tandem parking spaces shall be at least 36 feet. The minimum garage door width for a two-car garage shall be 16 feet.
 - b. The garage shall be made of permanent construction, using new, conventional materials, such as wood or light gauge metal framing. Temporary prefabricated canopies shall not be used to provide required parking.
 - c. A detached garage is prohibited to be built in the required front yard and side yard setbacks. A detached garage may be built along the rear property line. The garage may be built along one interior side yard property line to a distance not more than 24 feet from the rear property line. All roof drainage shall be confined to the subject property and shall not drain to neighboring properties. If a garage is not built on the property line a minimum setback of 3 feet is required along the adjacent rear and side property lines to allow access around the garage.
 - d. Garages or carports that have access from a street shall be located so that there is a minimum of 20 feet of driveway between the front property line and the front of a garage door or carport. Garages or carports that have access from an alley shall be located so that there is a minimum of 10 feet of driveway between the rear property line and the front of a garage door or carport.
 - e. If laundry facilities, work space, or other uses are provided within the garage, additional floor area shall be provided to ensure that the required parking space and adequate vehicle storage is still available.
 - f. Carports may be utilized for parking spaces if permanently anchored to the ground with use of foundations; however, carports shall not be used to meet the parking requirements of this Section.
 - g. Tarps shall not be used to enclose any parking space in any circumstance. Temporary prefabricated canopies may be used to cover parking spaces other than those not required by this Section subject to the regulations in Subsection M, below.
 4. For hospitals, large group homes, institutions, rooming and lodging houses, adult retirement homes, congregate care facilities, and community clubs, parking facilities shall be located no farther than 150 feet from the facility.
 5. Parking spaces at the end of a parking aisle against a curb or wall shall be widened by one additional foot.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

6. Except for single-family and two unit multi-family developments, no parking facility shall be designed so vehicles are required to back into a public street to exit the facility. The turning radius for all residential development projects shall be a minimum of 24 feet. All parking stalls for multi-family projects shall have a 90-degree parking angle.

F. Driveways and Access. All dwelling units shall have direct access to a public street or public alley, except for mobile homes within a mobile home park, which shall only have frontage on internal private drives. Each required parking space shall be provided with adequate ingress and egress through a paved driveway. The location of the driveway shall be in the position with the most direct route to parking spaces.

1. *Vehicular Access.*
 - a. All uses which adjoin a major highway shall, whenever possible, take access by way of a secondary road.
 - b. For lots developed with single family residences and abutting an alley, garage access shall be taken from the alley.
 - c. Access to driveways shall be located so as not to interfere with the traffic flow on adjacent streets.
 - d. Access driveways across sidewalks or pedestrian ways shall be designed in such as manner as to promote pedestrian safety.
 - e. Access and driveways shall be located along the most direct route to the garage.
2. *Driveways.* Driveways shall have maximum widths of 40 percent of the front lot line or less, and shall comply with the following standards:
 - a. Driveways shall be 10 feet wide if serving 5 or less off-street parking spaces for a residential use.
 - b. Driveways shall be 16 feet wide if serving more than five off-street parking spaces for a residential use.
 - c. Driveways shall be no more than 24 feet wide if serving a multi-family residential use.
 - d. All driveways shall maintain a vertical clearance of at least 10 feet.
 - e. No more than 1 driveway per residential parcel is permitted, unless serving a secondary residential use in the rear. The driveway shall not be expanded to accommodate additional parking in the front yard setback.
 - f. One driveway may serve adjacent uses or abutting properties only if proper easements and agreements are executed and filed with the City and recorded with the County Recorder.
 - g. Driveways and parking areas shall be surfaced and improved with Portland concrete cement, or other material approved by the Community Development Director and maintained in good serviceable condition. Thereafter, every three years, all parking areas and drive aisles shall be slurry sealed and properly maintained. Parking lots shall be regularly cleaned and be free of any trash or debris.
 - h. Abandoned and unused existing driveway approaches shall be removed and replaced with sidewalk, curb, and gutters in accordance with City standards and at the expense of the property owner.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- i. Commercial trucks and vehicles over one ton shall not be parked in any residential zone or public right-of-way.
 - j. Driveways shall at all times be kept and maintained free and clear of any inoperative vehicle, debris, waste, junk, building materials, boxes or any other items which block or limit access to the garage or parking area.
 - k. Where required for public safety, appropriate exit, entrance and directional signs shall be posted and maintained at locations approved by the Community Development Director.
 - l. Six-inch concrete curbs shall be installed along the borders of all required landscaped areas, where said landscaped areas abut driveways, off-street parking and loading areas, and other similar facilities.
 - m. Fire lanes shall be adequately marked and patrolled to prevent parking and other obstructions.
 - n. Circular driveways shall be permitted on lots in the R-1 zones that are greater than 75 feet in width. The turning radius of a circular driveway shall be a minimum of 15 feet measured at the inside of the curve.
3. *Parking on Driveways.*
- a. Where the driveway serves more than 5 parking spaces, no vehicle shall be parked or left on the driveway except for temporary loading and unloading of passengers or goods.
 - b. Parking on driveways serving single-family and duplex units shall be perpendicular to the garage door or car port.
4. *Safe Access.* Except for single family homes, internal walkways shall be provided to assure safe access to the building from parking areas, adjacent properties, and public sidewalks.

G. *Shared Parking.* No shared parking is allowed for residential uses.

H. *General Requirements.*

1. Off-street parking facilities for a specific building or use shall not be applied towards the minimum parking requirements for other buildings or uses.
2. All off-street parking areas, driveways, and driving aisles shall be paved, striped, and marked to clearly define access lanes, parking spaces and internal circulation, in accordance with adopted City standards. Such surfacing shall be designed, constructed, and maintained to prevent surface water ponding. Drainage of runoff shall not be allowed across public sidewalks.
3. Bumpers, wheel stops, stall markings, and other vehicular control are required for off-street parking facilities serving uses other than single-family residences, as set forth in the City of Hawaiian Gardens' Public Works Standards. Planting aisles may be used in lieu of bumpers or wheel stops at the discretion of the Community Development Director. Curbs shall be installed a minimum of five feet from any wall, fence, building, or other structure. The minimum standard curb radius shall be six feet at all aisle corners.
4. Lighting in open parking areas shall be cut-off lighting directed toward the parking surface to avoid light and glare impacts to adjacent properties.
5. An off-street parking facility for an existing use that does not conform to the minimum requirements of this Section is subject to *Section 18.100.130, Nonconforming Uses and Structures.*

CHAPTER 18.50: RESIDENTIAL REGULATIONS

6. Required parking spaces and areas shall be maintained for the duration of the use requiring such areas.

I. Use of Parking Areas.

1. Required parking spaces and areas shall not be used for the sale or display of goods and services, or for the sale, display, or repair of motor vehicles unless approved through a Temporary Use Permit.
2. Temporary use of parking areas for special events or sales may be permitted subject to the conditions of the Temporary Use Permit for the activity.
3. All required off street parking spaces shall be designed, located, constructed, and maintained so as to be fully and independently usable and accessible at all times.
4. No owner or tenant shall lease, rent, or otherwise make unavailable to intended users any off street parking spaces required by this Title.

J. Parking in Front Yards of Residential Lots.

1. All vehicles parked in the front yard of a residential lot shall be parked only on a driveway leading directly to a garage or carport, and shall be parked on a fully paved surface. Driveways shall be no wider than the garage or carport to which the driveway provides direct access.
2. Parking on unpaved surfaces, concrete tiles or blocks or similar surfaces is prohibited.
3. Parking of vehicles outside of designated parking spaces is prohibited. This includes parking in loading areas, fire lanes, yards, and other open areas not specifically designed to accommodate a vehicle.

K. Residential Garages .

1. The capacity of single-family residential garages, whether attached or detached to the main dwelling unit shall not exceed 3 automobiles, except that garages for up to 4 automobiles may be permitted on lots wider than 75 feet.
2. If a 3-car garage is provided, the third garage shall be recessed a minimum of 2 feet from the front of the 2-car portion of the garage.
3. Garages shall not exceed a maximum size of 650 square feet.

L. Parking Lots in Residential Zones

Where parking lots for nonresidential uses are allowed in residential zoning districts they shall be developed in compliance with the following requirements in addition to other applicable standards provided in this Section.

1. *Conditional Use Permit required.* Approval of a Conditional Use Permit shall be required in order to locate a parking facility intended for nonresidential use within a residential zoning district.
2. *Location of parking area.* The parking area shall be accessory to, and for use of, one or more contiguous nonresidential uses allowed in a contiguous commercial zoning district. The Commission may grant a waiver for noncontiguous parking areas, but only under all of the following conditions.
 - a. The parking area would be designed to be compatible with the adjacent uses.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- b. There are no residential uses between the parking area and the use for which the parking is being provided.
 - c. The parking area would not fragment the surrounding residential neighborhood.
 - d. The parking area would not be detrimental or injurious to property and improvements in the residential neighborhood.
 - e. The parking area would be located within a reasonable walking distance of the use to which it is an accessory.
3. *Access.* Access to parking areas shall be from commercial streets or alleys. An exception may be granted by the Planning Commission if no commercial streets are available for access.
 4. *Passenger vehicle parking only.* Parking areas shall be used solely for the parking of passenger vehicles.
 5. *Signs.* No signs, other than signs designating entrance, exits, and conditions of use shall be maintained in parking areas. Signs shall not exceed 4 square feet in area and 5 feet in height. The number and location shall be approved by the Community Development Director before installation.
 6. *Perimeter wall.* The parking area shall have a solid masonry wall 6 feet in height along all interior property lines adjacent to residential zoning districts and 36 inches in height adjacent to streets and the front setback area of an abutting residential use.
 7. *Development standards.* The parking lot shall be developed in compliance with the development standards of this Section.
 8. *No overnight parking.* Overnight parking shall be prohibited and the parking area shall be secured after business hours to prevent any use of the facility.

M. Temporary Prefabricated Canopies.

Temporary prefabricated canopies may be used for covered parking and for temporary events in residential zones subject to the following regulations.

1. *Number of Canopies.* Only one temporary canopy shall be permitted per lot
2. *Size of Canopies.* The maximum size of a canopy shall be 9 feet by 20 feet and 10 feet in height.
3. *Location of Canopies.*
 - a. Canopies shall not be permitted in the front yard area of a residential property. The front yard area includes all areas located in front of the dwelling unit located nearest to the front yard property line, including the front yard setback.
 - b. Canopies shall not be located within a required side yard setback unless they are placed behind the front building wall of the primary structure.
 - c. Canopies may be placed within the required side or rear yard setback a minimum distance of 3 feet from the side or rear property lines.
4. *Fire Rating Required.*
 - a. Only canopies with documented fire ratings shall be allowed. Proof of fire rating shall be required. A Fire Marshall's tag shall be required on all canopies stating that the canopy has been treated to prevent the spread of fire.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- b. If a canopy is not fire rated, a minimum distance of 10 feet shall be maintained between the canopy and any structure on the same property or adjacent properties.
5. *Secured to the Ground.* All canopies shall be adequately secured to the ground to prevent movement.
6. *Color.* Canopies shall be white, light grey, or other light color.
7. *Maintenance.* Canopies shall be maintained in good condition at all times. Canopies that are deteriorated, torn, soiled, or are causing a condition that is detrimental to adjacent properties shall be rehabilitated or removed.
8. *Temporary Event.* Canopies may be used for temporary events held by the resident of the subject property for a maximum of two days. Canopies shall be removed immediately following the event.
9. *Code Compliance.* Use of a canopy in a manner other than specified above shall be a violation of the Zoning Code and shall be subject to Code Enforcement action.

18.50.020 Landscaping and Screening.

The purpose of this Section is to provide landscaping and buffering guidelines to improve the aesthetic appearance of the City and to promote compatibility between land uses. In addition, this Section encourages the use of water efficient techniques in the design and maintenance of landscaping, promotes the safety of pedestrians and motorists, and enhances the distinctive character of the City. This Section shall apply to all new projects and additions and existing properties.

A. Landscaping Standards.

1. *Landscaped Area and Design.* All open areas within a lot including required setback areas, excluding parking areas and driveways, shall be landscaped with sod, shrubs, or trees.
 - a. Landscape designs shall consider such factors as the function of the landscape elements, compatibility to the area, consistency with the building and its architectural design.
 - b. The plant material selected shall be suitable for the given soil and climate conditions.
 - c. The landscape plan shall incorporate measures for the preservation of existing mature trees on site, as feasible. The area under the drip line of existing trees which are to be saved shall be fenced during construction to protect the trees from damage and to prevent soil compaction, along with other tree protection measures as necessary.
 - d. Front yards which are not occupied by driveways or walkways shall be landscaped with sod, shrubs and trees. The side yards of single-family dwelling units shall be improved with concrete, decorative stone or covered with sod. All rear yards shall have a minimum of 50% landscape area.
 - e. For non single family development projects, landscape plans shall be submitted for review along with the project submittal and prepared by a professional landscape designer. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than 24-inch box for evergreen trees, one (1) gallon for mass planting and five (5) gallon for shrubs. The Community Development Director may require larger sizes and quantities to achieve specific effect.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- f. Crushed rock or gravel shall not be used on more than 10 percent of the area requiring landscaping.
 - g. Where shrubs or low level vegetation is used, vegetative matter at maturity shall cover at least 75% of actual planted area and shall incorporate a minimum of two inches of mulch.
 - h. All landscape species and quantities are subject to the review and approval by the Community Development Director.
 - i. For non-single family projects, a mixture of 24-inch, 36-inch, and 48-inch box evergreen trees and 5-gallon and 15-gallon size shrubs shall be used.
2. *Installation of Required Landscaping.* All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy from the Building and Safety Division.
 3. *Safety.* Trees and shrubs shall be planted in a manner that at maturity they do not interfere with utility lines, sight lines for traffic safety or encroach on adjacent property.
 4. *Irrigation of Landscaping.* All landscaped areas shall include an automation irrigation system approved by the City that provides adequate coverage and irrigation. Water runoff into public right-of-way is prohibited. Efficient water conservation systems such as drip irrigation systems are encouraged.
 5. *Maintenance Guarantee.* The owner or responsible person of the residential development is responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive. This shall include proper pruning, mowing of lawns, weeding, and removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. In addition, landscape maintenance practices which foster long term landscape water conservation shall be employed.
 6. *Landscaping Maintenance.* All existing landscaped planters and landscaped areas shall be maintained with a variety of shrubs, groundcover and trees. These areas shall be kept free of weed and debris and replaced immediately when vegetative matter is dead or damaged.

B. *Perimeter Buffering/Screening.*

1. *Screening Requirement.* Perimeter buffering for non-single family developments and non-residential uses in a residential zone, which may include, a combination of landscape materials, low level walls and structures, shall be used to screen parking areas, loading areas, and utilities from public view.
2. *Perimeter Landscape Strip.* A landscape strip shall be provided and maintained, except in a required driveway or other access area, that is no less than five feet in depth measured horizontally from the front property line adjacent to the public right-of-way. The perimeter landscape strip shall consist of trees, shrubs, groundcover, and/or turf.
3. *Buffer areas abutting residential use.* A landscape buffer shall be provided and maintained on non-residential sites when the side or rear yard of the parcel abuts a residentially zoned parcel. The buffer area shall be planted with a minimum of one tree per every 30 linear feet along the adjacent property line. Tree placement does not have to be linear or equal spacing. Shrubs, groundcover, and/or turf shall be planted to provide 100 percent coverage within two years of planting. Where possible, vines shall be grown onto walls and fences to soften their appearance.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

18.50.030 Trash and Recycling Enclosures.

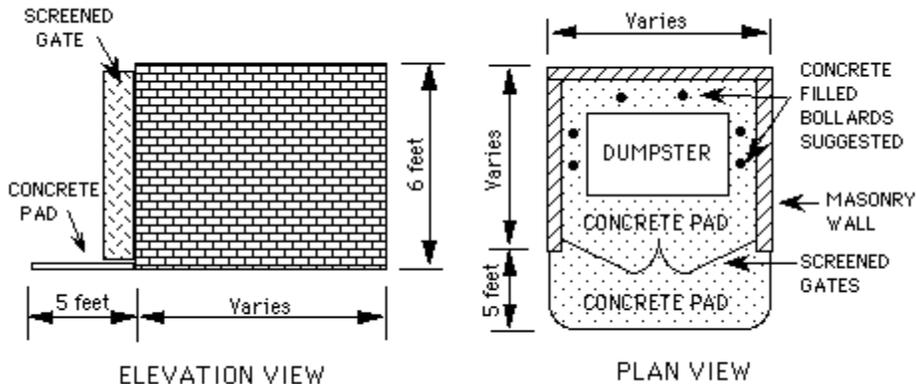
The purpose of this Section is to ensure that all uses in the City are provided with trash receptacles to promote public health and safety, as well as to screen areas used for the storage of trash receptacles from public view. This Section shall apply to all new developments, additions and existing properties.

A. Trash Receptacles.

1. All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. Each lot shall be provided with facilities for the storage and collection of trash.
2. All trash, rubbish, recycling, and garbage receptacles shall be regularly cleaned, inspected and maintained in clean, safe and sanitary conditions.
3. All trash storage shall be located for convenient vehicular access for pick up and disposal.
4. Trash and recycling receptacles shall not be stored within the front yard setback or the rear or side yard setback which abuts a public street, unless screened from view from public rights-of-way.

B. Collection Areas. Except for single-family residences and duplexes, all residential developments shall provide on-site collection areas for trash, waste, garbage, refuse, and recyclables. These areas shall comply with the following standards:

1. Trash collection areas shall be located within 200 feet of the building or units they are designed to serve.
2. All outside trash and garbage collection areas shall be enclosed by a view-obscuring masonry wall six feet in height on three sides, so that contents are not visible from any public street or adjacent property.
3. Trash enclosures shall be provided for in accordance with the following:
 - a. Trash enclosures shall have a minimum of 35 square feet in area. The size of the enclosure(s) shall be determined by the Community Development Director, based upon the size and nature of the facility.
 - b. Trash enclosures shall be six feet high, constructed of concrete blocks and shall have screened gates or doors.
 - c. The floor of the trash enclosure shall be a concrete pad which shall extend five feet beyond the opening of the trash enclosure.



- d. The gate or door shall be of sufficient width to provide reasonable and necessary access to the storage area for deposit and removal of wastes, waste bins, and other contents.
- e. Clear visibility for adjacent drive aisles shall be maintained.
- f. Trash enclosures shall be located so as to minimize disturbance to single family residential development. Trash enclosures shall be at least 50 feet away from any single-family residential zone, unless the adjacent property is undeveloped and the City determines that the setback will not fulfill its intended purpose at the present time.
- g. In accordance with Section 6.47.090 of the Hawaiian Gardens Municipal Code, trash enclosure areas shall not be designed in the path of drainage nor shall roof drainage downspouts discharge into the trash enclosure.
- h. The disposal of hazardous wastes into trash containers used for municipal trash disposal so as to cause a discharge into the municipal separate storm sewer system (MS4) is prohibited by law.

18.50.040 Fences, Walls, Gates, and Hedges.

This Section outlines the regulations for the design, construction, and maintenance of fences, walls, gates, and hedges for the separation of parcels and property, and as a means of promoting privacy, preventing nuisance impacts on adjacent uses, and promoting community character. All residential developments including single-family dwelling units shall be improved with a fence or wall in accordance with the provisions below, except for the front yard setback, which is optional. The property owner shall be responsible for the construction of any walls or fences that occur within their property. The Community Development Director may require that the lot be surveyed by a licensed surveyor for verification of lot lines prior to construction.

Although most walls and fences under six feet in height do not require building permits, property owners are required to submit plans to the Community Development Department for administrative review. This Section shall apply to all new projects, additions and existing properties.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

A. Maximum Heights.

1. Any fence, wall, gate, or hedge located in the required front yard shall be between a minimum height of 36 inches and a maximum height of 42 inches if made of solid materials or a maximum height of 48 inches if it is a wrought iron fence or combination thereof.
2. A fence, wall or hedge located in the required rear or side yards shall be a maximum 6 feet in height.
3. The height of a fence, hedge, or wall shall be measured from the existing grade at the location where the fence, hedge, or wall is located. Where there is a difference in the grade between two adjacent lots, the height of a fence, hedge, or wall located along the property line shall be determined by using the existing grade of the lowest contiguous lot.
4. Plant materials provided within side and rear yards, which are used for buffering, may exceed eight feet in height provided that they do not obscure the vision of any driveway approach.
5. No fence, wall, or hedge located within the rear 20 feet of a through lot shall exceed 42 inches in height.
6. Under no circumstance shall any wall or fence be allowed to exist anywhere on the property that exceeds the height limitations of the respective setback area as described above between the perimeter property line and the face of the building.
7. The owner of any vacant lot or unoccupied building shall be responsible for keeping such land free of all rubbish, refuse, weeds and debris and enclosed by a 6-foot chain link fence around the entire perimeter of the property. The fence shall be installed with the proper top rails and post at the proper intervals. The fence shall be knuckled at the bottom and top to avoid sharp edges. Access gates shall be adequately provided for vehicle entry.
8. Swinging gates shall be prohibited from encroaching into the public right of way.

B. Fencing Materials.

1. For existing developments, wood, masonry, wrought iron fencing materials, or combination thereof shall be used for fences, walls or gates. Eligible properties may also participate in a white picket fence program as established through program guidelines which may be amended from time to time. Chain link fencing is not permitted in the City.
2. All new residential developments shall be improved with a masonry block wall. The front yard setback may use a combination of wrought iron and masonry as fencing material. Existing block walls may be salvaged at the discretion of the Community Development Director provided the wall is repaired and resurfaced with a stucco coating.
3. No barbed or razor wire shall be used or maintained as part of any fence, wall, gate, or hedge. No sharp points shall project from the top of any fence or wall, including but not limited to wrought iron elements with sharp points, pointed caps on the top of pilasters, and other sharp elements,
4. The use of a chain link fence shall be prohibited in all residential developments. An existing chain link fence may only be repaired or maintained in an existing residential development.
5. No salvaged materials, scrap wood, or recycled materials shall be used for fencing or walls. Fencing and walls shall be constructed with all new materials.
6. It will be the applicant's responsibility to eliminate double walls at property lines. Developers will make every effort with neighboring parcels to negotiate a new wall and cover all expenses.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

7. Plastic slats may be used as a screening material for existing chain link fences. No other material or fabric may be used for screening or attached on any type of fence in the City.

18.50.050 Lighting and Security.

This Section regulates lighting and security standards for multi-family residential developments. However, regulations regarding glare and shielding shall apply to all single-family dwelling units. The intensity and design of all lighting fixtures shall be reviewed and subject to the approval of the Community Development Director.

- A. **Security Lighting.** Ample security and safety lighting shall be provided within all portions of the development, including parking lot lighting, step lighting and other illumination necessary to assure safety.
- B. **Location.** The placement of exterior lights shall not direct light into adjacent structures or lots or into vehicular traffic on off-site adjacent roadways.
- C. **Design.** Incorporation of lighting on a building shall emphasize architectural details, materials, surface elements, and/or colors, and avoidance of excessively bright or glaring illumination. All fixtures shall be of the same basic or complementary design to assure visual continuity.
- D. **Glare.** Exterior lighting (except for street lighting and warning, emergency or traffic signals) shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into adjacent residential areas.
- E. **Shields.** Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

18.50.060 Outdoor Storage and Display.

The Section regulates outdoor storage and the use of yard areas for storage, display, or parking in Residential zones.

- A. **Front and Side Yards.** No portion of any front yard or side yard on the street side of a corner lot shall be used for parking or storage of the following, but not limited to, motor vehicles, trailers, trucks, RVs, airplanes, campers, boats, or parts of these vehicles, trailers, airplanes, or boats.
- B. **Equipment.** All materials, machinery and equipment shall be stored within an enclosed building, except for recreational equipment, lawn furniture, passenger vehicles and pick-up trucks.
- C. **Recreation Vehicles.**
 1. Motor homes and recreational vehicles are allowed to be parked on a temporary basis on the front driveway, for a period not to exceed 72 hours when they are legally registered to the owner of the subject property.
 2. Recreation equipment (travel trailers, pick-up campers, or coaches, motor homes, tent trailers, toy haulers, boats and boat trailers, which are less than 7 feet in height above the ground) shall be stored behind the front face of the building in the side yard adjacent to the garage or in the rear yard, except when such yard is adjacent to a street.
 3. Exterior storage of such equipment which is more than seven feet in height is prohibited, except when stored in a designated parking space and not encroaching into any required setback area.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

4. Recreational vehicles, when parked or stored on properties, shall be kept neat and clean at all times.
 5. All covers employed to protect a recreational vehicle from the elements shall be secured. Tarps are not permitted if visible from the public right of way.
 6. All recreational vehicles shall be parked or stored on an improved surface such as concrete, asphalt, laid brick, or other impervious material.
 7. Recreational vehicles parked in the rear yard may be parked on gravel in lieu of an impervious surface.
 8. Recreational vehicles shall not be occupied for living purposes or be used as a storage container.
 9. Electrical hookups are prohibited except during loading and unloading or for the charging of batteries for no more than 48 consecutive hours per week.
 10. Sewer hookups are prohibited at all times.
 11. No more than one recreation vehicle shall be parked on any lot or parcel less than 6,000 square feet in size.
 12. For parcels 6,000 square feet or larger, a maximum of two recreational vehicles may be parked on the property.
 13. No second driveways or driveway approaches shall be created or used for the purposes of parking or storing a recreational vehicle, except where the lot is at least 50 feet wide or except where the second driveway would be on the side of a corner lot where there is no existing driveway or driveway approach.
 14. Any second driveway shall have the proper driveway approach requiring a Public Works permit.
- D. Mechanical Equipment.** All mechanical equipment, including air conditioning compressors and or similar machinery, located on roof tops or at the ground level shall be completely screened from view by an enclosure constructed of noncombustible materials. All such equipment shall be maintained in a clean and proper condition, to prevent the collection of litter and debris and to avoid emission of unnecessary noise, dust, or fumes.
- E. Building Materials.** No portion of the front yard shall be used for storage of building materials, except when required for ongoing construction pursuant to a valid building permit issued by the City.
- F. Auto Parts.** Junk, salvage or dismantled auto parts or autos stored for dismantling or inoperative vehicles are not allowed in residential zones.
- G. Outdoor Display.** Outdoor display of for rent or sale vehicles, equipment, garden supply, or building materials are not permitted in Residential zone. An exception would be the private sale of a vehicle by the homeowner who owns the vehicle. Signs are permitted on the vehicle for no more than 30 days.
- H. Painting.** Painting (except color matching) and sandblasting shall not occur in the open unless properly screened.
- I. Containers.** Containers, roll-off bins, and other storage containers are not allowed in residential zones. A temporary use permit shall be obtained from the Community Development Director for construction purposes.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

18.50.070 Height of Structures

- A. **Height of Buildings.** No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, or other structures shall exceed the height limit provided in this Title.
- B. **Height of Structures.** Flagpoles, chimneys, and smokestacks shall not extend more than 10 feet above the height limit specified in this Title, provided that the same is safely erected and maintained at such height in view of the surrounding conditions and circumstances.

18.50.080 Yard Encroachments.

- A. **Encroachments.** Required yard areas in Residential zones shall be kept open and unobstructed from the ground up, except for permitted projections and encroachments, as provided in the table below, and provided that maximum lot coverage requirements for the underlying zone are not exceeded:

PERMITTED ENCROACHMENT OF PROJECTIONS IN REQUIRED YARDS			
Structure	Front Yard	Side Yard	Rear Yard
Architectural protrusions such as cornices, canopies, roof overhangs, eaves, or other similar architecture features attached to the building on the lot and which do not provide additional floor space within the building	2 feet	2 feet	2 feet
Awnings	2 feet	2 feet	2 feet
Open, unenclosed and uncovered porches, platforms or landing spaces on the first floor of the building	6 feet	Not permitted	6 feet
Basement	Not permitted	Not permitted	Not permitted
Bay windows	2 feet	1 foot	2 feet
Balconies	3 feet	Not permitted	3 feet
Cellar	Not permitted	Not permitted	Not permitted
Chimney (maximum 5 feet in width)	Not permitted	2 feet	2 feet
Decks no higher than 30 inches above grade	Not permitted	Not permitted	6 feet
Driveways	Allowed	Allowed	Allowed
Electrical meters	Not permitted	Allowed	Allowed
Fireplace	Not permitted	Not permitted	Allowed
Gas meters	Not permitted	Allowed	Allowed
Water Heaters	Not permitted	2 feet	2 feet
Ground mounted air conditioners	Not permitted	Not permitted	3 feet
Open steps	6 feet	3 feet	3 feet
Patio Cover (including columns and roof overhang)	Not permitted	Not permitted	3 feet
Porches (covered)	6 feet	3 feet	3 feet
Porte cochere	Subject to site plan review and approval		
Roof Deck or Sun Deck	Not permitted	Not permitted	3 feet
Stairwells and connected platforms or landings extending	6 feet	3 feet	3 feet

CHAPTER 18.50: RESIDENTIAL REGULATIONS

PERMITTED ENCROACHMENT OF PROJECTIONS IN REQUIRED YARDS			
Structure	Front Yard	Side Yard	Rear Yard
above first floor of a building			
Subterranean garage	Not permitted	Not Permitted	Not Permitted
Trellises	Not permitted	1 foot	3 feet
Window mounted air conditioners	Not permitted	2 feet	3 feet

B. Structures in Yard Setbacks. Structures within the required yard setbacks are allowed only when they are located within the limits outlined in the table below, and provided that maximum lot coverage requirements are not exceeded. A structure that is permitted on only a portion of the required yard area shall be located within the specified distance listed in the table below, as measured from the setback line farthest from the property lot line.

PERMITTED STRUCTURES IN REQUIRED YARDS			
Structure	Front Yard	Side Yard	Rear Yard
Accessory dwelling unit	Not permitted	Not permitted	Not permitted
Antennas/Monopole (see Section 18.90.010)	Subject to site plan review and approval		
Satellite Dish (under 24 inches)	Not permitted	3 feet	Allowed
Appliance Storage	Not permitted	Not permitted	Not permitted
Barbecues (permanent structure not exceeding 6 feet in height)	Not permitted	Not permitted	Allowed
Canopies (see Subsection 18.50.010. M)	Not permitted	3 feet	3 feet
Carports	Not permitted	Not permitted	Not permitted
Clotheslines	Not Permitted	Not permitted	Allowed
Detached accessory structure	Not permitted	Not permitted	Allowed
Detached Garages (see Subsection 18.50.010. E)	Not permitted	Allowed	Allowed
Dog houses	Not permitted	2 feet	Allowed
Dollhouses and Playhouses * (5 feet by 5 feet in size)	Not permitted	Not permitted	Allowed
Fences and walls (see Section 18.50.040, above)	Allowed	Allowed	Allowed
Flagpoles	6 feet	3 feet	Allowed
Fire Place (Outdoor) - 6 feet height and under	Not permitted	Not permitted	Allowed
Fire Place (Outdoor) - over 6 feet in height	Not permitted	Not permitted	5 feet
Fire Pit	Not permitted	Not permitted	Allowed
Furniture/Garden Storage	Not permitted	Not permitted	Allowed
Game courts (paved and unenclosed)	Not permitted	Not permitted	Allowed
Garbage Cans	Not permitted	Allowed	Allowed
Gardening Shed/Storage Shed	Not permitted	Not permitted	Allowed
Gazebos (no more than 8 feet by 10 feet in size)*	Not permitted	Not permitted	5 feet
Greenhouse	Not permitted	Not permitted	Not permitted
Lamp post	Allowed	Not permitted	Allowed
Motor home	Not permitted	Not permitted	Not permitted
Playground equipment	Not permitted	Not permitted	Allowed

CHAPTER 18.50: RESIDENTIAL REGULATIONS

PERMITTED STRUCTURES IN REQUIRED YARDS			
Structure	Front Yard	Side Yard	Rear Yard
Pool equipment	Not permitted	Not permitted	Allowed
Sheds* (no more than 10 feet by 10 feet in size)	Not permitted	Not permitted	Allowed
Signs (Permanent)	Not permitted	Not permitted	Not permitted
Signs (Temporary)	Allowed	Not permitted	Not permitted
Swimming Pools, Spas, Hot Tubs, and Cabanas	Not permitted	Not permitted	5 feet
Swings	Not permitted	Not permitted	Allowed
Temporary Tents	Not permitted	Not permitted	Allowed
Tree Houses	Not permitted	Not permitted	3 feet
Utility equipment and enclosures	Not permitted	2 feet and at least 10 feet from front yard setback	3 feet

* Structures larger than the identified sizes are subject to approval of a Minor Use Permit.

18.50.090 Property Maintenance.

This Section outlines the regulations relating to the maintenance of private property in the City, so as to protect the public health, safety and welfare and to create and maintain a livable community.

A. Property Owner Responsibility.

1. Every owner, lessee, occupant or person having charge of property within the City is required to maintain such property in a manner so as not to create any hazard to the health, safety and welfare of the public or to violate the provisions of this Section.
2. No use or activity shall create any amount of heat, humidity, blowing of vented air, gases, or fumes that can be detected in amounts deemed annoying to an average person at the property line.
3. All uses shall be conducted totally within an enclosed building, except for those uses which are customarily conducted in the open, as determined by the Community Development Director.
4. The owner, lessee, occupant or person having charge of property remains liable for violations hereof regardless of any contract or agreement with any third party regarding such property. The duty imposed by this Section on a property owner shall in no instance relieve those persons herein referred to from the similar duty.

B. Classification of Nuisances. The following acts and conditions when performed or existing upon any lot or parcel of land within the City are declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare, which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

1. Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to any of the following conditions:
 - a. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, windows, doors, or unpainted or deteriorated

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- surfaces causing unsightliness, dry rot, warping or termite infestation, structures covered with temporary tarps.
- b. Buildings or structures which are not completed and left unfinished within six months of the set construction schedule and for which the permit for such construction has expired.
 - c. Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements or which are boarded up by a method or materials not approved by the Community Development Department.
 - d. Fences or walls which are in a hazardous condition, or which are in disrepair, or which hinder free access to public sidewalks.
 - e. Broken windows constituting hazardous conditions.
 - f. Abandoned or unoccupied buildings which have been left to remain stagnant and deteriorating, causing unsightliness.
 - g. Structures that have not been repainted in a uniform color throughout as a result of graffiti or maintenance.
 - h. Structures that have been repainted to a non-earth tone color.
2. Dead, decayed, diseased or hazardous trees; weeds and other overgrown vegetation likely to harbor rats, vermin or nuisances or weeds or other vegetation which constitutes a fire hazard.
 3. Inoperative, disabled, dismantled or partially dismantled vehicles, trailers, campers, boats, and other mobile equipment, including non-motorized trailers, stored in areas not intended for storage or as a primary use.
 4. Hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations or stagnant water.
 5. Use of clothes lines visible from the public right-of-way.
 6. Storage or scattering over the property of any of the following:
 - a. Debris, rubbish or trash not stored in trash receptacles.
 - b. Abandoned, discarded, broken, wrecked, inoperable or discarded household furnishings, appliances, vehicles, machines and tools, or similar objects of equipment.
 - c. Discarded building materials or machinery.
 - d. Use of sofas, chairs, washers and dryers, or other household furniture left outside.
 - e. Use of tarps for areas used for storage or other use visible from the public right-of-way.
 7. Packing boxes and other debris materials or objects stored in yards and visible from public streets.
 8. Trash and recycling receptacles stored in front or side yards and visible from public streets.
 9. Temporary signs that advertise or are related to events which have already taken place.
 10. Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems or that are hazardous to the public.
 11. Outdoor ornaments, decorations and Christmas lighting being displayed between the months of February through October.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

12. All activities conducted that are objectionable by reason of noise, odor, dust, mud, smoke, vibration, or other similar causes.
 13. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Section 3480 of the California Civil Code.
 14. Uses not expressly permitted or conditionally permitted by the underlying zoning regulations including garage conversions.
 15. Exceeding the allowable number of pets, as regulated under *Section 18.90.040*.
- C. *Declaration of Nuisance.*** Whenever the Community Development Director finds that a nuisance, as defined above, exists on any premises located within the City, the Director shall serve upon the property owner a notice of violation in accordance with the provisions of *Section 18.100.180, Enforcement* of this Zoning Code. In addition, the Community Development Director may enforce the Zoning Code through the administrative citation process, as outlined in Sections 1.12 and 1.13 of the Hawaiian Gardens Municipal Code.

18.50.100 Residential Design Standards and Guidelines.

Design guidelines have been developed to promote high quality development, protect the City from the adverse effects of poor design, encourage originality, creativity, and compatibility within neighborhoods, and to enhance the beauty; livability and prosperity of the community. All residential developments, including additions, within the City shall conform to the design standards outlined in below. These standards shall be utilized during the Site Plan Review and Approval process for each development. Compliance with the design guidelines shall be determined by the Community Development Director.

- A. *Applicability.*** New buildings and structures, exterior remodeling and exterior changes of or to an existing building for which compliance with this Zoning Code is required shall be subject to review for compliance with the design standards in this Section. However, the following buildings, physical improvements, and site developments are not subject to these standards:
1. Interior design and interior modifications to buildings or structures.
 2. Remodeling projects that do not involve changes in the architectural style of the building or structure, such as window and door openings, handrails, and stairways.
 3. Seismic retrofit projects.
- B. *General Provisions.***
1. Development shall be compatible with the character of the neighborhood and surrounding sites and shall not be detrimental to the orderly and harmonious development of the surrounding areas and of the City. The height and bulk of any proposed building and structure on the site should be in scale and in proportion with surrounding structures and not dominate the site or neighborhood. The structural design of all structures shall be of a conventional wood or metal frame construction meeting industry standards. The exterior finish shall not have exposed rough lumber and shall have a minimum of a stucco application, wood siding or similar material.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

2. All required site plans shall meet or exceed the minimum development standards (i.e., setbacks, open space, lighting standards, minimum parking and loading spaces, and landscaping requirements) established in this Zoning Code.
3. Site plan and layout of buildings, parking areas, pedestrian and vehicular access ways, and other site features shall give proper consideration to on-site circulation.
4. Site access and circulation shall not negatively impact adjacent roadways or neighborhood traffic.
5. Electrical and similar mechanical equipment and trash and storage areas shall be screened from public view.
6. Archaeological and historical resources shall be preserved and protected to the extent feasible.
7. Building elevations, design characteristics and other architectural and aesthetic features shall not be unsightly, undesirable, or obnoxious in appearance; shall create an orderly and aesthetically pleasing environment; and shall be harmonious and compatible with existing development in the area.
8. New development or remodeling shall be designed in such a way as to upgrade the appearance and quality of the area.
9. No use, activity or process shall be conducted which produces electromagnetic interference with radio or television reception in neighboring residential or commercial areas.
10. New development should incorporate energy and water conservation design to the extent possible.
11. Address numbers of residential units shall be clearly visible from the frontage street.
12. All backflow devices shall be screened from public view and integrated into the site plan in a way that does not detract from the appearance of the building.
13. New development shall incorporate clay or concrete roof tile. In addition, all exterior colors painted on the surface of the building, including stucco, shall be an earth tone color including off whites and cream.
14. All utility lines shall be placed underground, including facilities and wires for power, telephones, gas, cable television, etc. All conduit lines shall be incorporated into the building and not permitted on the exterior of any building.
15. Window and door security gates or guards may only be installed on the interior of the structure.

C. *Design Standards and Guidelines.* The following guidelines shall be utilized for site plan review, as applicable.

1. In addition to the height and setback requirements for each zone, changes in material, height, projections in the vertical and horizontal plane or similar façade changes are required on visible exterior building walls.
2. No continuous building wall is allowed to extend for more than 40 feet without a recess or change in plane.
3. Rooftop equipment shall be incorporated into the design of the structure so that it is completely enclosed on all sides and concealed from view by at least 6-inch high screening, roofing or parapet above the uppermost part of the equipment.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

4. Dwelling unit entries in multi-family developments shall convey a sense of individual identity for each residential unit at the lowest possible habitable level facing a public street or courtyard.
5. *Small Lot Development.* Development of new residential units on lots that are 30 feet or less in width shall comply with the following standards in addition to the other design standards and guidelines in this Section.
 - a. The minimum allowable gross floor area for a dwelling unit shall be 1,500 square feet.
 - b. In order to provide enhanced visual interest and encourage the modulation of wall planes, there shall be a minimum 10 percent difference between the floor areas of the ground floor and the second floor, not including any areas devoted to usable open space (e.g., decks, balconies, landings, patios, and similar areas).
 - c. Entries to dwelling units should be clearly visible from the street.
 - d. All garage doors shall incorporate windows.
6. Multi-family residential structures shall incorporate architectural design details and elements which provide visual character and interest, avoiding flat planar walls and “box-like” appearances through the use of courtyards, balconies, offset planes and levels, deeply recessed or projecting windows, sloping roofs, and landscaped yards.
7. The architectural treatment of building elevations and modulation of mass shall convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume.
8. Outside of mobile home parks, manufactured homes may be located within the other residential zones provided that the manufactured home complies with the development standards for the zone in which it is located and the applicable design guidelines for single family residential structures.
9. Multi-family developments in areas designated for medium and higher densities should incorporate courtyard units that meet the following requirements:
 - a. Inclusion of clearly defined courtyard space.
 - b. Development of all housing units as “through” units. This means that all units shall have an exposure off the courtyard, as well as an exposure on at least one other side;
 - c. Inclusion and detailing of people-friendly elements, such as balconies, bay windows, stoops, recessed windows, porches, and arcades;
 - d. Design of the courtyard space with a distinctive character created through special landscape elements such as fountains, landscaping, reflective pools, towers, decorative tile, special entry stairs to second level units;
 - e. Exclusion of interior corridors. All units shall be entered directly from the courtyard space, even if two or three units share a common entry stairs from the courtyard; and
 - f. Design should be architecturally sensitive to and treated as an integral part of the street facade.
10. Recycled materials or materials recovered from demolished structures shall only be used for new construction or reconstruction if they are an integral part of a sustainable building design, as conceived by a licensed architect or design professional.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

11. *Accessory Structures and Additions.*

- a. Permanent accessory structures, including but not limited to garages, guesthouses, and all additions shall have the same roof design, finish materials and color as those used on the main structure to which the accessory structure is related. Earth tone and soft colors shall be used for all exterior surfaces. Existing structures should be repainted to enhance the overall appearance of the property.
- b. Guesthouse and dwelling units constructed above a garage are subject to the same yard requirements as the main dwelling unit.
- c. New structures or building additions shall match the existing bulk, color, roof design, architectural treatment, and materials of the main structure on the site.
- d. No kitchen, bathroom, or toilet facilities are permitted in accessory structures or buildings.
- e. Gardening shed, storage shed and similar uses shall be considered an accessory use and be limited to one per parcel. Such uses are prohibited on the front and side yard setbacks and shall have height limitation of a maximum of 10 feet.
- f. For multi-family developments, areas for the storage of items and equipment used for maintenance of the property should be stored in an area that is integrated into the design of the building. The use of freestanding storage sheds shall be avoided.
- g. All accessory buildings or structures shall maintain a minimum distance of 10 feet between structures.
- h. Accessory buildings and structures shall not be located between the primary structure and the front property line or between the primary structure and the street side property line in addition to the requirements of *Section 18.50.080, Yard Encroachments*. Detached accessory buildings may be built in rear yards as provided for in this Title.
- i. Freestanding canopies shall be considered an accessory structure and shall be subject to the provisions of *Subsection 18.50.010.M, Temporary Prefabricated Canopies*.
- j. Accessory structures, excluding garages and carports, shall be limited to two per parcel.
- k. Accessory structures including detached garages shall cover no more than 50% of the required rear setback area of a residential property.
- l. Boundary and other walls should be generally of the same decorative masonry or wrought iron and be complementary in color, texture, and material to the development as a whole.
- m. All utility lines shall be placed underground including facilities and wires for power, telephone, gas, cable television, etc. All conduit lines shall be incorporated into the building and not permitted on the exterior of any building.
- n. Mechanical equipment on the ground or on the roof should be screened from view from adjacent properties and the public right-of-way by an enclosure designed as part of the building or by appropriate landscaping.
- o. Water heaters, utility boxes such as electrical boxes, gas meters and landscape irrigation equipment, and other utilities should be painted to match the structure or be appropriately screened from view.
- p. Fences shall be required around swimming pools, per the Uniform Building Code.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- q. Window and door security gates or guards shall only be installed on the interior of the structure.
 - r. A laundry room may be added to an existing legal non-conforming dwelling unit without an existing laundry room. The size of the laundry room shall be limited when added to a legal non-conforming dwelling unit; the laundry room shall only be big enough to house a washer and dryer not to exceed 5 feet by 7 feet in size. The laundry room shall comply with all zoning regulations.
12. *Open Space.* Each multi-family residential project shall include open space areas, provided and maintained for recreational use as follows:
- a. Design common useable open space so that it is easily accessible and of sufficient size to be usable by residents. The minimum area for common useable open space shall be 350 square feet per unit, excluding landscaped setback areas, planter areas, berms, parking areas, loading areas, driveways, storage areas and other areas not accessible to residents.
 - b. Landscaping shall be integrated into the architectural scheme so as to accent and enhance appearance of the development.
 - c. Existing mature trees (over 8 inches of trunk diameter) should be considered for preservation in the site planning.
 - d. Private useable open space shall have a minimum area of 150 square feet per unit and a minimum dimension of 6 feet and shall be accessible to the dwelling unit it serves.
13. *Performance Standards.*
- a. Nuisance. All activities conducted on the premises shall not be objectionable by reason of excessive noise, odor, dust, mud, smoke, vibration, or other similar causes.
 - b. Glare or Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible at any point along the property lines.
 - c. Vibration. Industrial operations shall cause no inherent and recurring vibration perceptible without instruments at any point along the property lines. Transportation facilities and temporary construction activities are excluded from this restriction.
 - d. Smoke. No person shall emit or cause to be emitted into any air contamination source of emission of any air contaminant which is of a shade or density as to obscure a person's vision to a degree in excess of 20 percent opacity. Emissions from fireplaces used for non-commercial, non-industrial or recreational purposes are exempt from this restriction.
 - e. Odors. No person shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors at the property line. Uses producing air pollution or objectionable odors are subject to the regulations of the South Coast Air Quality management District (SCAQMD). Evidence of compliance with SCAQMD regulations shall be required as a condition of approval.
 - f. Construction Activity. Construction activity is limited to 7 am to 7 pm Monday to Friday and 9 am to 5 pm on Saturday. No construction activity is allowed on Sundays and City-observed holidays.

CHAPTER 18.50: RESIDENTIAL REGULATIONS

- g. Electromagnetic Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with radio, television, or telephone reception in neighboring areas.
- h. Radiation. All operations using or storing radioactive materials shall comply with the applicable regulations of the County Department of Health.
- i. Outdoor Maintenance Activities. Outdoor vehicle or equipment maintenance activities (such as oil change, vehicle fluid replacement, etc.) shall occur only from 7 am to 10 pm Monday to Saturday. Vehicle and equipment repair and engine work are permitted only within a garage.

CHAPTER 18.60: NON-RESIDENTIAL ZONES

- 18.60.010 C-2 – Downtown Commercial Zone
- 18.60.020 C-4 - General Commercial Zone.
- 18.60.030 M-1 - Light Industrial Zone.
- 18.60.040 PF – Public Facilities Zone.
- 18.60.050 Uses Permitted in Non-Residential Zones.

CHAPTER 18.60 NON-RESIDENTIAL ZONES

Non-residential zones are designed and intended to support and serve residents of the City with areas for commerce and industry, goods and services, employment, recreation, education, public safety, social and cultural facilities.

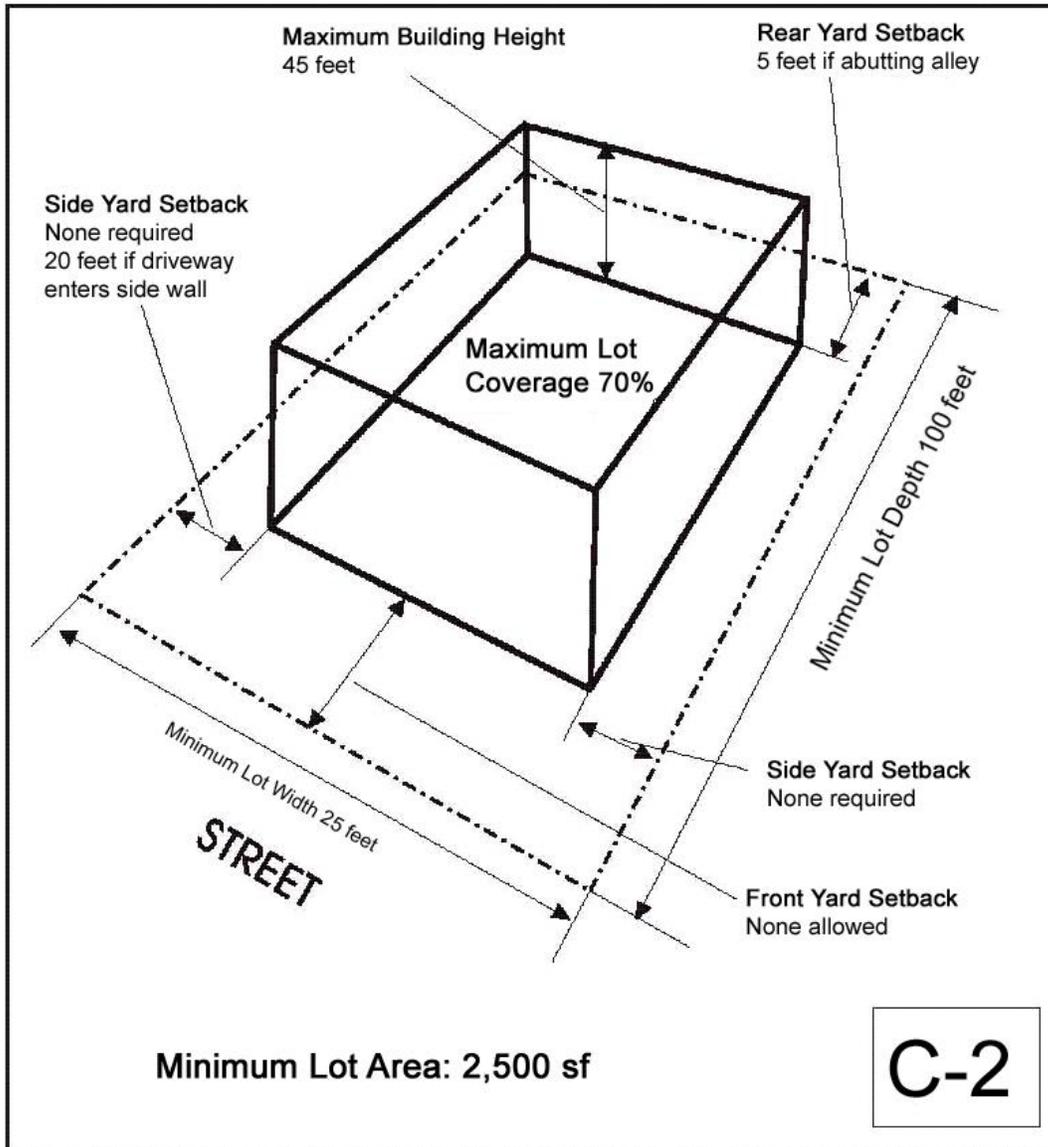
18.60.010 C-2 - Downtown Commercial Zone.

- A. Purpose.** The purpose of the Downtown Commercial (C-2) zone is to develop a specific area of the City for small-scale retail businesses, specialty shops, personal service uses, and restaurants that support resident's needs and also cater to a broader subregional market. The Downtown Commercial zone is intended to accommodate a variety of retail uses within a well-designed environment with a strong pedestrian-oriented character. In order to promote a pedestrian atmosphere, development standards require that new buildings be constructed adjacent to the sidewalk for convenient pedestrian access.
- B. Permitted Uses.** Permitted uses in this zone are set forth in *Section 18.60.050*, below.
- C. Development Standards.** Development within the C-2 zone shall comply with the following development standards:

C-2 STANDARDS	
<i>Minimum Lot Size</i>	5,000 square feet
<i>Minimum Lot Width</i>	50 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage - parking provided on-site</i>	70%
<i>Maximum Lot Coverage - parking provided off-site</i>	100%
<i>Setbacks</i>	
Front	None required
Side	None required
Side abutting a residential zone	1 foot for each foot that the building exceeds 30 feet in height
Rear	None required
• Rear if lot abuts a residential zone	1 foot for each foot that the building exceeds 30 feet in height
<i>Maximum Height</i>	45 feet
<i>Minimum Distance Between Buildings</i>	10 feet

Requirements for parking, landscape, trash enclosures, fences, walls, outdoor storage, etc. and non-residential design guidelines are provided in *Chapter 18.70: Non-Residential Regulations*.

CHAPTER 18.60: NON-RESIDENTIAL ZONES



CHAPTER 18.60: NON-RESIDENTIAL ZONES

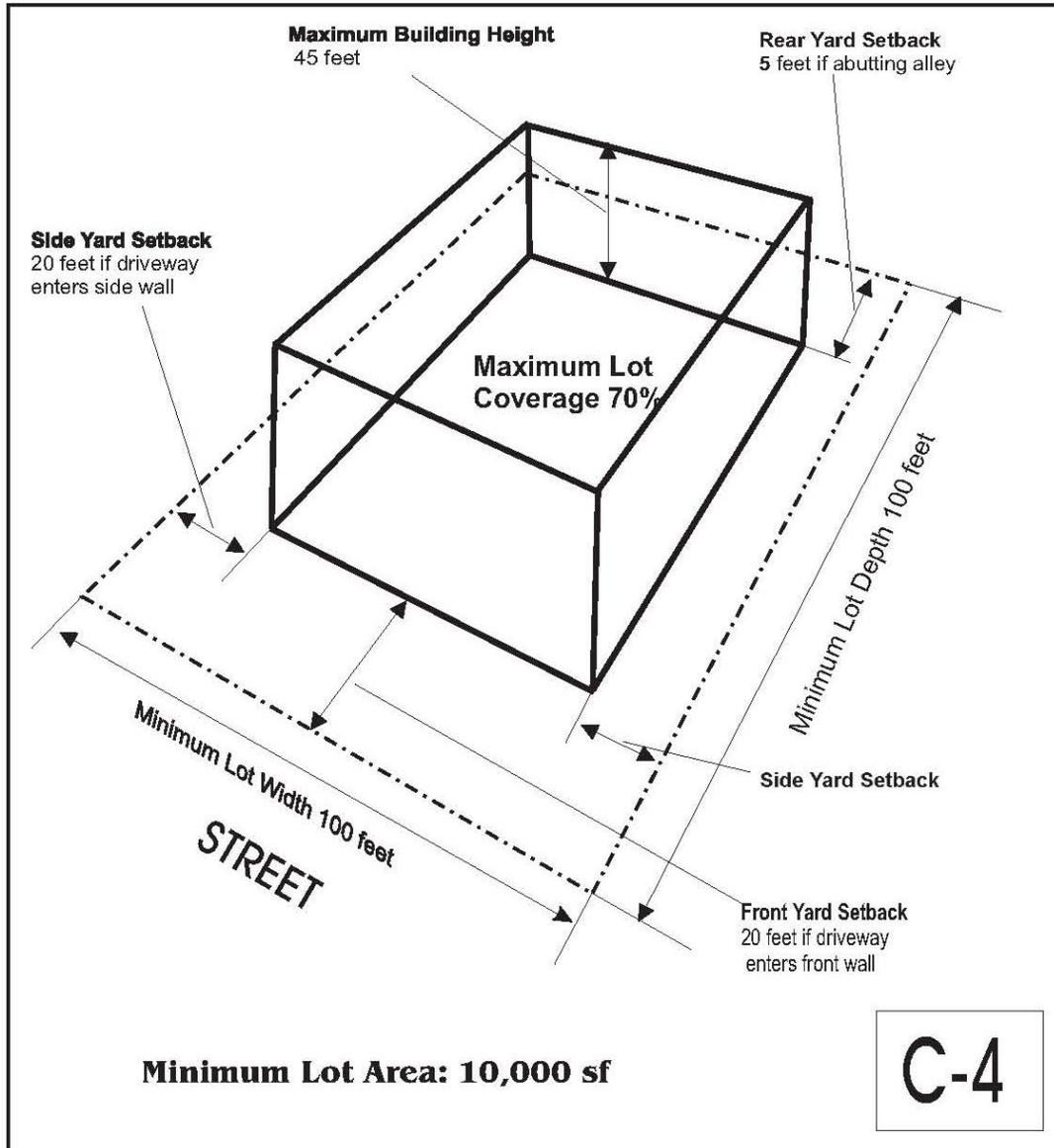
18.60.020 C-4 - General Commercial Zone.

- A. Purpose.** The purpose of the General Commercial (C-4) zone is to designate areas for office / professional and retail businesses in the City, that support residential areas and provide jobs for area residents. These areas are intended to accommodate a variety of shops for goods and services to serve the needs of the surrounding community.
- B. Permitted Uses.** Permitted uses in this zone are set forth in *Section 18.60.050*, below.
- C. Development Standards.** Development within the C-4 zone shall comply with the following development standards:

C-4 STANDARDS	
<i>Minimum Lot Size</i>	10,000 square feet
<i>Minimum Lot Width</i>	100 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	70%
<i>Setbacks</i>	
Front	None required
<ul style="list-style-type: none"> • Except where permitted driveways enter front wall of building 	that portion of wall shall be located not less than 20 feet from front lot line
Side	None required
<ul style="list-style-type: none"> • Except where permitted driveways enter side wall of building 	that portion of wall shall be located not less than 20 feet from side lot line
<ul style="list-style-type: none"> • Side abutting a residential zone 	1 foot for each foot that the building exceeds 30 feet in height
Rear	None required
<ul style="list-style-type: none"> • If lot abuts a residential zone 	1 foot for each foot that the building exceeds 30 feet in height
<i>Maximum Height</i>	45 feet
<i>Minimum Distance Between Buildings</i>	10 feet

Requirements for parking, landscape, trash enclosures, fences, walls, outdoor storage, etc. and non-residential design guidelines are provided in *Chapter 18.70: Non-Residential Regulations*.

CHAPTER 18.60: NON-RESIDENTIAL ZONES



CHAPTER 18.60: NON-RESIDENTIAL ZONES

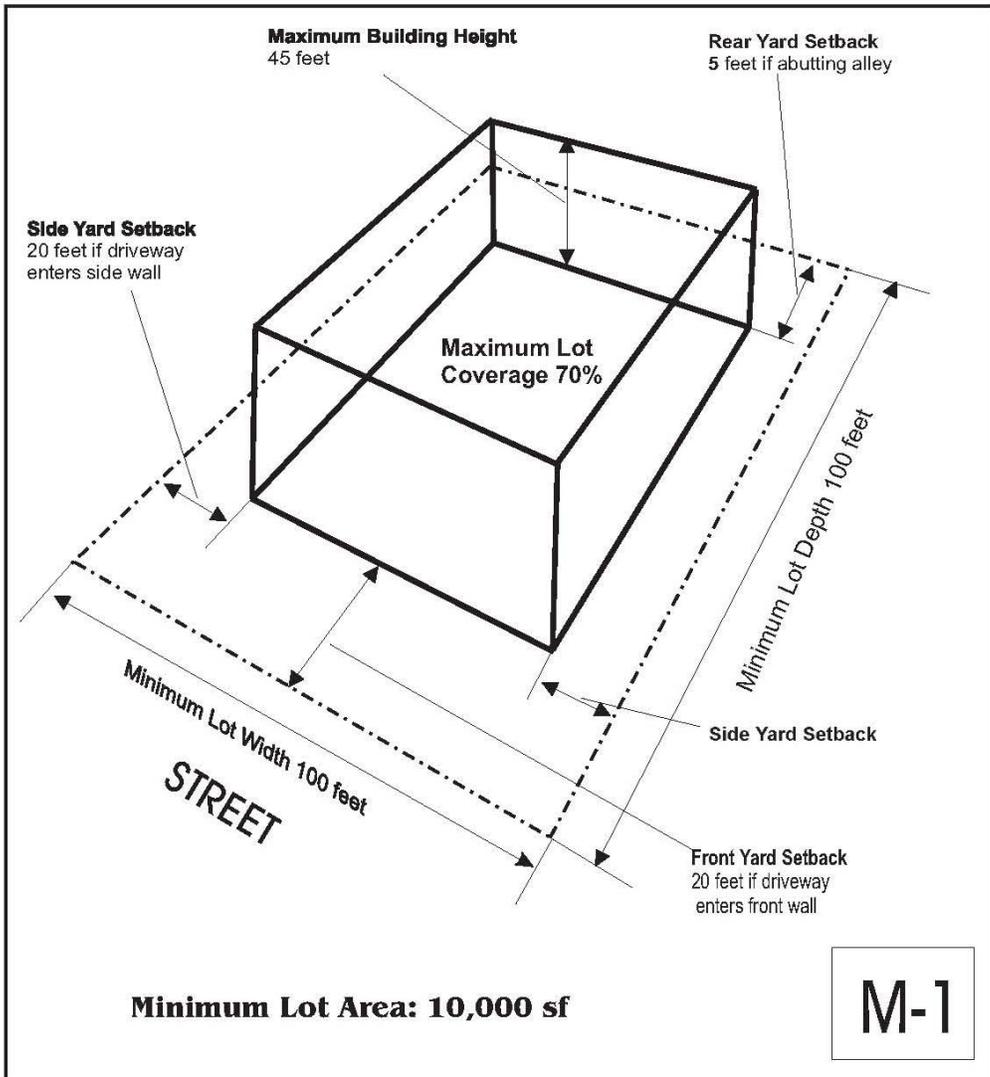
18.60.030 M-1 - Light Industrial Zone.

- A. **Purpose.** The purpose of the Light Industrial (M-1) zone is to provide areas for light industrial, wholesale and manufacturing activities in areas that promote efficiency in street and utility design, separating these uses from residential uses and ensure the availability of adequate public services.
- B. **Permitted Uses.** Permitted uses in this zone are set forth in *Section 18.60.050*, below.
- C. **Development Standards.** Development within the M-1 zone shall comply with the following development standards:

M-1 STANDARDS	
<i>Minimum Lot Size</i>	10,000 square feet
<i>Minimum Lot Width</i>	100 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	70%
<i>Setbacks</i>	
Front <ul style="list-style-type: none">• Except where permitted driveways enter front wall of building	None required that portion of wall shall be located not less than 20 feet from front lot line
Side <ul style="list-style-type: none">• Except where permitted driveways enter side wall of building	None required that portion of wall shall be located not less than 20 feet from side lot line
Rear <ul style="list-style-type: none">• Except where lot abuts public alley	None required 5 feet
<i>Maximum Height</i>	45 feet
<i>Minimum Distance Between Buildings</i>	10 feet

Requirements for parking, landscape, trash enclosures, fences, walls, outdoor storage, etc. and non-residential design guidelines are provided in *Chapter 18.70: Non-Residential Regulations*.

CHAPTER 18.60: NON-RESIDENTIAL ZONES



CHAPTER 18.60: NON-RESIDENTIAL ZONES

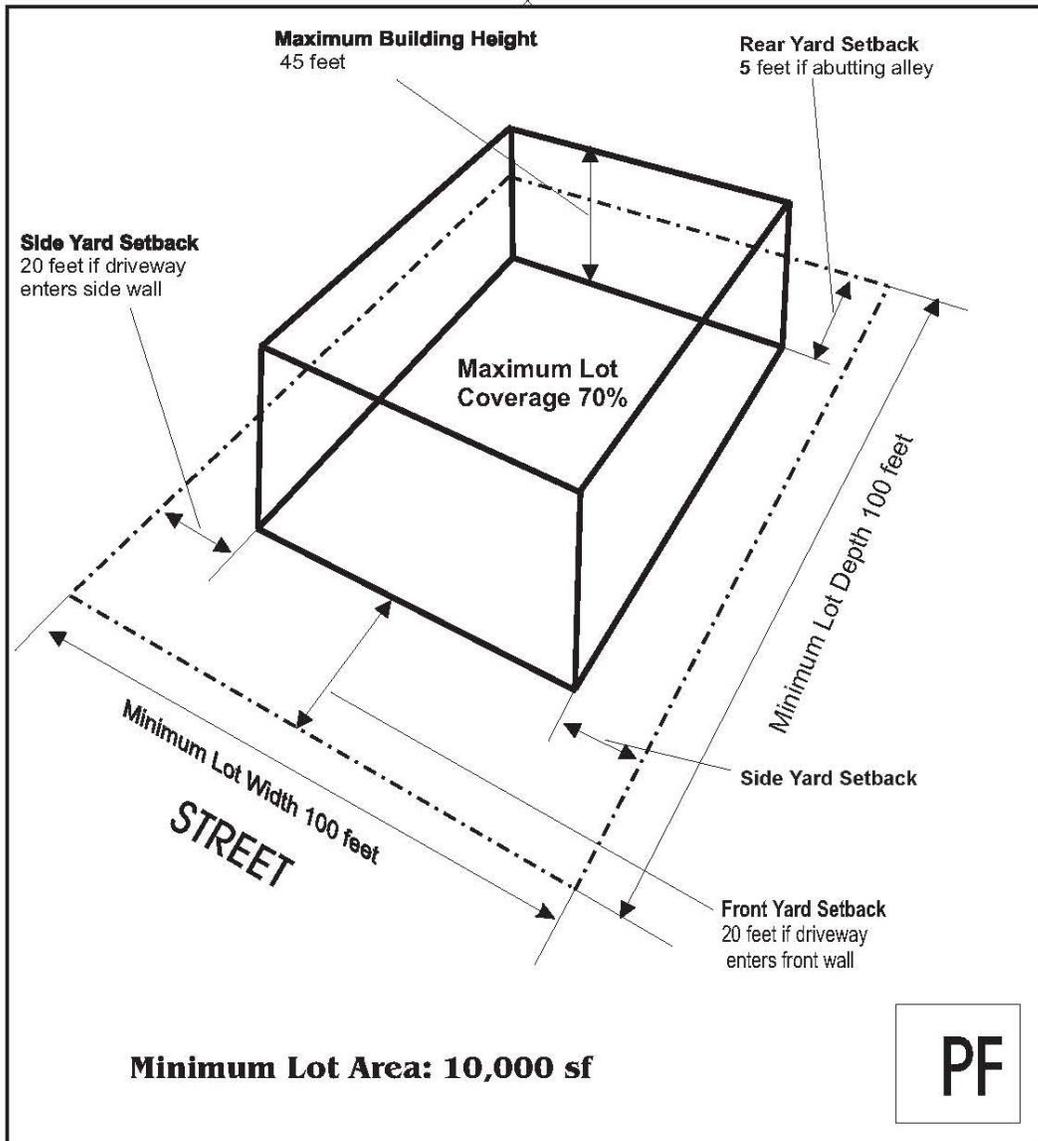
18.60.040 PF - Public Facilities Zone.

- A. Purpose.** The purpose of the Public Facilities zone is to provide for adequate space for public and quasi-public community facilities. These facilities should be conveniently located to serve the needs of the community and protected from intrusion by other land uses. While the Zoning Map classifies this zone into the different land uses, the same development standards apply to all public and quasi public uses.
- B. Permitted Uses.** Permitted uses in this zone are set forth in *Section 18.60.050*, below.
- C. Development Standards.** Development within the Public Facilities zone shall comply with the following development standards:

PF (PUBLIC FACILITIES) STANDARDS	
<i>Minimum Lot Size</i>	10,000 square feet, except that no minimum lot size is required for public parks and open space areas.
<i>Minimum Lot Width</i>	100 feet
<i>Minimum Lot Depth</i>	100 feet
<i>Maximum Lot Coverage</i>	70%
<i>Setbacks</i>	
Front • Except where permitted driveways enter front wall of building	None required that portion of wall shall be located not less than 20 feet from front lot line
Side • Except where permitted driveways enter side wall of building	None required that portion of wall shall be located not less than 20 feet from side lot line
Rear • Except where lot abuts public alley	None required 5 feet
<i>Maximum Height</i>	45 feet
<i>Minimum Distance Between Buildings</i>	10 feet

Requirements for parking, landscape, trash enclosures, fences, walls, outdoor storage, etc. and non-residential design guidelines are provided in *Chapter 18.70: Non-Residential Regulations*.

CHAPTER 18.60: NON-RESIDENTIAL ZONES



CHAPTER 18.60: NON-RESIDENTIAL ZONES

18.60.050 Uses Permitted in Non-Residential Zones.

A. *Uses and Structures Permitted.* The table of Permitted Uses, below, lists the specific uses and structures which are permitted within each Non-residential zone. No use is permitted in a parcel in any zone unless it is in full compliance with applicable standards and regulations, as contained in this Zoning Code. The letters in the columns beneath the zone designations mean the following:

1. **P** - Permitted as a principal or accessory use within the zone.
2. **C** - Permitted as a principal or accessory use if a Conditional Use Permit is approved.
3. **M** – Permitted as an accessory use if a Minor Use Permit is approved.
4. **T** - Permitted as a temporary use with an approved Temporary Use Permit.
5. **X** - Prohibited in that district, unless it is a legally established nonconforming use.

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone	General Commercial Zone	Light Industrial Zone	Public Facilities Zone
	(C-2)	(C-4)	(M-1)	(PF)
Residential Use				
Accessory Dwelling Unit	X	X	X	X
Apartment (multi-family rental units)	X	X	X	X
Bed and Breakfast Inns	X	C	X	X
Boarding House	X	C	X	X
Condominium (residential)	X	X	X	X
Convents/Monastery	X	C	X	X
Duplex or Two-Family Dwelling	X	X	X	X
Employee Quarters (manager or caretaker quarters)	X	P	P	X
Factory-built Housing	X	X	X	X
Group Home	X	X	X	X
Lodging Houses	X	X	X	X
Manufactured Housing/Mobilehome	X	X	X	X
Mobilehome Park*	X	X	X	X
Multi-Family Housing	X	X	X	X
Rooming Houses	X	X	X	X
Senior Housing	X	X	X	X
Second Unit	X	X	X	X
Single-family Unit	X	X	X	X
Townhouses/Townhome	X	X	X	X
Youth Hostels	X	X	X	X

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone	General Commercial Zone	Light Industrial Zone	Public Facilities Zone
	(C-2)	(C-4)	(M-1)	(PF)
Institutional Uses				
Administrative Government Services	M	M	M	P
Adult Day Care	X	C	X	X
Camping and Picnic areas	X	C	X	P
Child Care Center*****	X	C	X	P
Churches, convents, monasteries, other religious institutions, and other places of public assembly	X	C	X	C
Community Care Facilities	X	C	X	X
Community Centers, Lodges, Social Halls	X	C	X	C
Cultural Facilities	X	C	X	P
Educational Facilities, Private	X	M	X	P
Emergency Shelters	X	P	X	P
Family Day Care Home	X	X	X	X
Fire Station	X	C	C	P
Foster Family Home	X	X	X	X
Game Courts (basketball, tennis, racquetball, etc.)	X	C	X	P
Government Buildings	X	M	M	P
Head Start Facilities	X	C	X	C
Health Services	X	P	X	P
Home-Based Day Care	X	X	X	X
Institutional Uses (facilities for treatment of aged persons, children, alcoholics, narcotics, wounded, mentally infirm, etc.)	X	C	X	C
Libraries	X	M	X	P
Museum	X	M	X	P
Nursery School	X	M	X	P
Nursing Home/Rest Home	X	C	X	X
Parks (community or neighborhood)	X	M	X	P
Police Station	X	C	C	P
Post Office (Terminal)	X	P	P	P
Public Flood Control Facilities	X	C	C	C
Public Utilities Substation and Facilities	X	C	C	C
Public Schools (Preschool, Elementary, Junior High and High)	X	C	X	C
Recreation, Non-profit	X	M	X	P
Social Service Facilities	X	P	P	P
Private Trade School/Training School	X	M	X	M

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone (C-2)	General Commercial Zone (C-4)	Light Industrial Zone (M-1)	Public Facilities Zone (PF)
Office/Professional Uses				
Administrative/Professional Offices	P	P	X	P
Banks	P	P	X	X
Clinics	X	M	X	C
Financial Institutions (mortgage, real estate, tax, bookkeeping, credit, insurance, brokers, etc.)	P	P	X	X
General offices	P	P	P	X
Medical and Dental Offices	X	P	X	X
Utility Business Office	P	P	P	X
Commercial Uses				
Acupressure Clinic	X	C	X	X
Adult Arcade**	X	P	X	X
Adult Bookstore**	X	P	X	X
Adult Business**	X	P	X	X
Adult Cabaret**	X	P	X	X
Adult Motion Picture Theater**	X	P	X	X
Adult Novelty Store**	X	P	X	X
Agriculture Produce Stands	X	C	X	X
Ambulance Service	X	C	C	X
Animal Hospitals	X	C	X	X
Animal Raising or Breeding	X	X	X	X
Antique Stores	P	P	X	X
Appliance Stores/Shops	X	P	X	X
Athletic Clubs, Health Clubs, Fitness Centers	M	M	X	X
Auditoriums	X	C	X	C
Auto Accessories, without installation/repair	P	P	X	X
Auto Accessory Installation	X	M	P	X
Auto Rental	X	M	X	X
Auto Repair and Painting	X	M	M	X
Auto Sales (New or Used)	X	M	X	X
Auto Manufacturing	X	X	M	X
Automobile Service Station	X	M	X	X
Bakeries	P	P	X	X
Bars	C	C	X	X
Barbers	P	P	X	X
Beauty Shop	P	P	X	X
Billboards	X	C	C	X
Bingo Parlors***	X	P	X	X
Blueprinting and Copying Services	P	P	P	X

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone	General Commercial Zone	Light Industrial Zone	Public Facilities Zone
	(C-2)	(C-4)	(M-1)	(PF)
Book Stores	P	P	X	X
Bowling Alleys	X	M	X	X
Branch Post Office (accessory use or freestanding)	P	P	P	X
Building Contractor	X	X	P	X
Building Materials	X	M	P	X
Bulk Fuel Dealers	X	X	C	X
Business Services	X	P	X	X
Buy-Back Recycling Center	X	M	M	X
Car Wash	X	C	X	X
Card Club or Casino ***	X	P	X	X
Carnivals	X	T	T	T
Catering Services	M	P	X	X
Charitable Use	X	P	X	P
Christmas Tree Sales	X	T	T	T
Clubs and Lodges	X	C	X	C
Cocktail Lounges and Bars	C	C	X	X
Coffee Shops	P	P	X	X
Commercial Centers under 50,000 square feet	X	P	X	X
Commercial Centers over 50,000 square feet	X	M	X	X
Commercial Recreation and Entertainment	C	C	X	X
Communication facilities	M	C	M	X
Composting Facility	X	X	X	X
Computer Sales and Repair	P	P	P	X
Contract Station Post Office	P	P	X	X
Contractor's Temporary Office	X	T	T	T
Convalescent Facility or Home	X	C	X	X
Dance Studios	P	P	M	X
Dancing Halls and Discos	X	C	X	X
Delicatessen stores	P	P	X	X
Department Stores	P	P	X	X
Dress Shops	P	P	M	X
Drive-Through Restaurant	C	M	X	X
Drug Stores	P	P	X	X
Dry Cleaners	P	P	X	X
Eating/Drinking Establishments	P	P	X	X
Electrical Shops	X	M	P	X
Escort Service**	X	P	X	X
Fast-food Restaurant, without drive-through	P	P	X	X

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone (C-2)	General Commercial Zone (C-4)	Light Industrial Zone (M-1)	Public Facilities Zone (PF)
Flower Shops	P	P	X	X
Food Stores	P	P	X	X
Fortune Telling	C	C	X	X
Furniture Stores	P	P	X	X
Garden Supplies/Building Materials	M	P	X	X
Gasoline Stations	X	C	X	X
Gift Shop	P	P	X	X
Greenhouse	X	C	X	X
Groceries/Food Markets	P	P	X	X
Hair Salons	P	P	X	X
Hardware Store, without contractors yard	P	P	X	X
Health Center/Club	P	P	X	P
Heliport/Helistop	X	C	C	C
Hobby and craft stores	P	P	P	X
Horticulture Gardens and Arboretums	X	C	X	P
Hospitals	X	C	X	X
Hotels and Motels	X	C	X	X
Internet Café	M	M	X	X
Kennels	X	C	C	C
Karaoke	C	M	X	X
Laboratory	X	X	P	X
Landfill	X	X	X	X
Laundromat	P	P	X	X
Licensed Gambling Establishment***	X	C	X	X
Liquor Sales and Stores	C	C	X	X
Mall or Retail Shopping Center under 50,000 square feet	X	P	X	X
Mall or Retail Shopping Center over 50,000 square feet	X	M	X	X
Massage Parlor	X	C	X	X
Massage Parlor (with state license)	P	P	X	X
Miniature Golf Course	X	C	X	X
Mixed Use Development (residential and commercial)	M	M	X	X
Mortuary, Mausoleum, Columbarium, Crematorium	X	C	C	X
Motor Vehicle Services	X	P	X	X
Movie Theater	P	P	X	X
Music Stores	P	P	X	X

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone	General Commercial Zone	Light Industrial Zone	Public Facilities Zone
	(C-2)	(C-4)	(M-1)	(PF)
Music Studios	X	C	X	X
Nail Salon	P	P	X	X
Night Clubs	C	C	X	X
Optometrist/Optical Store	P	P	X	X
Outdoor Dining	M	M	X	X
Outdoor Sales	X	M	X	X
Outpatient Clinical Dialysis	X	P	X	X
Palm Reader	C	C	X	X
Park	C	C	X	P
Parking Lot (public)	M	M	M	P
Parking Lot (private)	M	M	M	X
Parking Garage	M	M	M	P
Parking Structure	C	C	C	P
Pawn Shops	C	C	X	X
Personal Services	P	P	X	X
Pest Control	X	P	P	X
Pet Shop, Sales/Services	P	P	X	X
Pharmacies	P	P	X	X
Photo Studio	P	P	X	X
Professional Services	X	P	X	X
Public Bathhouse	X	C	X	X
Real Estate Office (Temporary, less than 2 years)	X	M	X	M
Real Estate Office (Permanent, more than 2 years)	P	P	X	X
Recycling Centers	X	C	C	X
Relocatable Buildings	T	T	T	T
Rental/Repair Services	X	M	P	X
Restaurants	P	P	X	X
Retail Stores	P	P	X	X
Sales of General Merchandise	P	P	X	X
Satellite Dishes and Antennas for commercial use	X	C	C	C
Self-Storage Facilities/Mini Warehouses	X	C	C	X
Service Station (Automobile)	X	C	C	X
Shopping Center/Shopping Mall under 50,000 square feet	X	P	X	X
Shopping Center/Shopping Mall over 50,000 square feet	X	M	X	X

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone	General Commercial Zone	Light Industrial Zone	Public Facilities Zone
	(C-2)	(C-4)	(M-1)	(PF)
Sidewalk Sale or Parking Lot Sale	T	T	T	X
Sing-along or Karaoke Bars	C	M	X	X
Single Room Occupancy (SRO) Facility or Hotel	X	C	X	X
Solar Apparatus/Solar Energy System	P	P	P	P
Spas (commercial)	X	C	X	X
Supermarket	P	P	X	X
Swap Meets/Flea Markets (temporary or permanent)	X	C	C	X
Swimming Pools, Spas, Hot Tubs, and Cabanas	X	X	X	P
Take-out Restaurant	M	M	X	X
Tattoo Parlor	C	C	X	X
Tavern	C	C	X	X
Telecommunication Towers	C	C	C	C
Temporary Outdoor Event	T	T	T	T
Trailer Sales and Storage	X	C	X	X
Tree/ Plant Nursery	C	M	X	X
24-hour markets	M	P	X	X
Utility Central Office Switching Unit	X	M	P	M
Utility Equipment Structure	X	M	M	M
Veterinary Clinic	X	M	X	X
Video Arcades	C	C	X	X
Video Sales and Rentals	X	P	X	X
Warehouse Club****	X	C	C	X
Wholesale Business	X	X	P	X
Wireless Communication Facility	X	C	C	C
Yard Waste Processing Center	X	X	C	X
Industrial Uses				
Auto Painting	X	X	M	X
Auto Wrecking and Dismantling	X	X	X	X
Basic Manufacturing	X	X	P	X
Cabinet Making	X	X	P	X
Carpet and Tile Shop (Less than 75% retail floor area)	X	X	P	X
Composting Facility	X	X	C	X
Contractor Yards	X	X	M	X
Food and Related Products Manufacturing	X	X	P	X
Glass Manufacturing	X	X	P	X
Glass Shop (Less than 75% retail floor area)	X	X	P	X

CHAPTER 18.60: NON-RESIDENTIAL ZONES

USES PERMITTED IN NON-RESIDENTIAL ZONES				
Land Use	Downtown Commercial Zone	General Commercial Zone	Light Industrial Zone	Public Facilities Zone
	(C-2)	(C-4)	(M-1)	(PF)
Hazardous Waste Facilities	X	X	C	X
Industrial Services/Repair	X	X	P	X
Intermediate Manufacturing/Assembly	X	X	P	X
Junk Yard or Salvage Yard	X	X	X	X
Machine Shop	X	X	P	X
Machinery Repair	X	X	P	X
Medical and Dental Laboratories	X	X	P	C
Metal Fabricating/Manufacturing	X	X	P	X
Packaging	X	X	P	X
Plastics Manufacturing	X	X	P	X
Printing and related Industries	X	X	P	X
Recycling Facility	X	X	C	X
Transfer Stations	X	X	C	X
Transmission Towers (cell sites)	X	C	C	C
Trucking Terminal	X	X	M	X
Warehouses and Storage Buildings	X	X	P	X
Welding Shop	X	X	P	X
Wholesale Distribution and Storage	X	X	P	X
Wood Product Manufacturing	X	X	P	X

- * - campers, recreational vehicles, trailers, or automobiles shall not be occupied as living quarters in mobile home parks
- ** - subject to regulations for adult businesses under Title 5 of the Hawaiian Gardens Municipal Code
- *** - allowed only if the site is located within the Card Club Overlay District and with approval of a Site Plan Review
- **** - not allowed in any zone if the warehouse club would contain more than 130,000 square feet of gross floor area with more than 5,000 linear feet of shelf space, and where at least 10 percent of its gross sales revenues would come from non-taxable grocery items. This shall apply to the expansion of existing facilities, as well as to newly constructed facilities.
- ***** - Child Care Centers shall be located a minimum of 500 feet from the nearest freeway.

B. Uses Not Listed in Table. Land uses which are not listed in the table above are not permitted in the zones, unless the Community Development Director or the Planning Commission determines that such use is within one of the permitted use categories listed (e.g., principal use, conditional use, etc.). Specifically, the determination of an unlisted use shall be as follows:

1. *Director's Authority.* For uses that are not specifically listed in the above table, the Community Development Director shall determine if the use shall be permitted in a zone. In order to determine that a use is permitted as a principal, conditional, temporary, minor, or accessory use within a specific zone, the Director shall make all of the following findings:

CHAPTER 18.60: NON-RESIDENTIAL ZONES

- The proposed use is consistent with the goals and policies of the General Plan.
 - The proposed use is compatible with the purpose and intent of the zone in which it is to be located.
 - The proposed use will not adversely affect the health, safety, or welfare of residents or other persons in the vicinity of the use.
 - The use is similar to and no more detrimental than those listed in the same zone.
2. *Referral to Planning Commission.* Any determination on a proposed unlisted use may be referred to the Planning Commission as a non-hearing item if the Director determines on a case-by-case basis that the public interest would be better served by such referral.
 3. *Appeals.* Any determination on an unlisted use may be appealed in accordance with *Section 18.100.170 Appeals* of this Zoning Code.

CHAPTER 18.60: NON-RESIDENTIAL ZONES

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CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

18.70.010	Parking and Loading Requirements.
18.70.020	Landscaping and Screening.
18.70.030	Trash and Recycling Enclosures.
18.70.040	Fences, Walls, Gates, and Hedges.
18.70.050	Lighting and Security.
18.70.060	Outdoor Storage.
18.70.070	Height of Structures.
18.70.080	Property Maintenance.
18.70.090	Non-residential Design Guidelines.
18.70.100	Mixed Use Projects.
18.70.110	Emergency Shelters

CHAPTER 18.70 NON-RESIDENTIAL REGULATIONS

18.70.010 Parking and Loading Requirements.

The purpose of the parking and loading regulations is to ensure that all land uses provide adequate off-street parking facilities, loading areas, and vehicle movement areas associated with development. The intent of these regulations is to ensure that the use of land does not interfere adversely with the use of and circulation on public rights-of-way, that private on-site circulation does not pose a potential safety problem, and that surrounding uses are insulated from the impacts of off-street parking and loading facilities.

A. *Applicability.*

1. Every land use in the City shall provide permanent off-street parking facilities for vehicles and loading spaces in accordance with the provisions of this Section.
2. The minimum standards of this Section shall apply to new buildings or uses, proposed additions to or enlargements of existing buildings or uses, and any proposed changes in building occupancy or building use that would require additional parking spaces.
3. For any proposed changes in building occupancy or building use that require additional parking spaces, such additional parking shall be required only for the new use or as approved by the granting authority. An existing legally nonconforming building or use shall not be required to conform to the requirements of this Section unless a discretionary approval is required.
4. If the total number of additional parking spaces required to accommodate an enlargement, addition, or change in use under the provisions of this Section is more than the total number of existing spaces, then the applicant may apply for a reduction of parking spaces in compliance with Subsection G, below.

B. *Parking and Loading Spaces.*

1. *Number of Parking Spaces.* Required off-street parking spaces for specific uses are listed below and in *Section 18.50.010 Residential Parking and Loading Requirements*. The requirement for a use not specifically mentioned shall be the same as for a specified use which has the most similar traffic and/or parking generation characteristics, as determined by the Community Development Director.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

NON-RESIDENTIAL OFF-STREET PARKING REQUIREMENTS	
USE	REQUIRED PARKING
A. Civic Uses.	
1. Nursery school, day care centers	1 space/staff member plus 1 space/6 children or 1 space/10 children if adequate drop-off facilities are provided. Drop-off facilities shall be designed to accommodate a continuous flow of passenger vehicles to safely load and unload children. The adequacy of drop-off facilities proposed shall be determined by the approving authority.
2. Convalescent and/or nursing homes	1 space/4 beds.
3. Hospitals	2 spaces/bed.
4. Educational institutions, public or private	
a. Elementary and junior high school	1 space/faculty member and employee plus 1 space/20 students.
b. Senior high schools	1 space/faculty member and employee plus 1 space/8 students.
c. Colleges and vocational schools	1 space/faculty member and employee plus 1 space/2 students.
d. Churches, convents, monasteries, other religious institutions, and other places of public assembly	1 space/ 4 seats or 1 space/50 square feet when there are no fixed seats. (20 lineal inches of bench shall be considered 1 fixed seat)
5. Public utilities	To be determined by the approving authority.
6. Public service agencies	1 space/250 square feet of gross floor area.
7. Libraries, public or private	1 space/300 square feet of gross floor area.
B. Office and Professional Uses.	
1 Administrative and professional except medical, dental, and related health services	1 space/250 square feet of gross floor area.
C. Commercial Uses.	
1. Shopping centers and general commercial uses Less than 5,000 sf in floor area Between 5,000 sf and 20,000 sf in floor area More than 20,000 sf in floor area	1 space/250 square feet of gross floor area. 20 spaces plus 1 space /300 square feet beyond 5,000 square feet of floor area. 70 spaces plus 1 space/350 square feet beyond 20,000 square feet of floor area.
2. Eating and drinking establishments	
a. Fast food restaurants with drive-in or drive-through for at least 8 vehicles when drive-through is included	1 space/100 square feet of gross floor area and an on-site queue line for 8 cars.
b. Take out restaurants	1 space / 200 square feet of gross floor area.
c. Full service sit-down restaurants	1 space/100 square feet of gross floor area
d. Bars, pubs, and cocktail lounges	1 space/50 square feet of gross floor area
3. Gasoline dispensing and/or automotive service stations	1 space/250 square feet of gross floor area plus 2 spaces per service bay
4. Appliance and/or furniture stores	1 space/500 square feet of gross floor area.
5. Hotels and motels	1 space/unit plus 1 space/employee plus 2 spaces for the manager.
a. Retirement hotels	0.6 space/unit plus 1 space/office.
6. Auto, trailer, boat, and/or truck sales	1 space/250 square feet of office gross floor area plus 1 space/1,000 square feet of lot area devoted for outdoor display and sales plus 2 spaces/service bay.
7. Medical and dental offices or clinics, clinics veterinary offices or clinics	1 space/200 square feet of gross floor area.
8. Commercial Recreation Facilities.	
a. Bowling alleys, billiard halls	4 spaces/alley, 2 spaces/billiard table plus required parking for any other uses on the site.
b. Driving range (golf)	1 space/tee plus required parking for any other uses on the site.
c. Miniature golf	3 spaces/hole plus required parking for any other uses on the site.
d. Parks (public or private)	To be determined by the approving authority.
e. Skating rinks	1 space/100 square feet of gross floor area.
f. Tennis, handball, and racquetball	3 spaces/court plus required parking for additional uses on the site.
g. Theaters	
(1) Motion picture	1 space/4 seats plus 1 space/employee.
(2) Playhouse	1 space/4 seats plus 1 space/employee.
9. Financial Institutions	1 space/250 square feet of gross floor area
10. Public Assembly	1 space/5 seats plus 1 space/employee.
11. Auto Repair Shops, Body and Fender Repair Shops	1 space / 250 square foot of gross floor area

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

NON-RESIDENTIAL OFF-STREET PARKING REQUIREMENTS	
USE	REQUIRED PARKING
12. Car wash	
a. Full service	1 space per employee per shift, with a minimum of 10 spaces
b. Self- service	2 spaces per wash bay
13. Arcades, game and video	1 space / 200 square foot of gross floor area
14. Dance halls	1 space / 7 square foot of dance floor area plus 1 space / 35 square feet of additional gross floor area
15. Clubs, lodges, and halls	1 space / 35 square foot of gross floor area within the main auditorium plus required parking for other uses on the site
16. Adult business	1 space / 200 square foot of gross floor area
17. Beauty parlor, hair salon, nail salon, tanning salon	2 spaces per station
18. Dry cleaners	1 space / 250 square foot of gross floor area
19. Laundromats	1 space per 3 washers
D. Industrial Uses.	
1. Manufacturing	1 space/500 square feet of gross floor area devoted to manufacturing plus 1 space/250 square feet of office uses.
2. Research and Development	1 space/300 square feet of gross floor area.
3. Storage	1 space/1,000 square feet of gross area for the first 20,000 square feet devoted to storage plus the required parking for square footage devoted to other uses. 1 space/2,000 square feet for the area in excess of 20,000 square feet. 1 space/4,000 square feet for area in excess of 40,000 square feet.
4 Warehousing	1 space/1000 square feet of gross floor area plus 1 space/250 square feet of office uses.

2. *Number of Loading Spaces.* Aside from the required parking spaces, every commercial, industrial or office use shall provide adequate off-street loading areas to accommodate delivery vehicles associated with the use. Loading space requirements are provided in the table below.

NON-RESIDENTIAL OFF-STREET LOADING SPACE REQUIREMENTS	
BUILDING FLOOR AREA	REQUIRED LOADING SPACE
Commercial Uses Under 15,000 square feet 15,001 to 45,000 square feet 45,001 to 75,000 square feet 75,001 to 105,000 square feet over 105,000 square feet	None 1 loading space 2 loading spaces 3 loading spaces 4 loading spaces
Industrial Uses Under 5,000 square feet 5,001 to 50,000 square feet 50,001 to 100,000 square feet 100,001 to 150,000 square feet over 150,000 square feet	None 1 loading space 2 loading spaces 3 loading spaces 4 loading spaces
Hospitals and Institutions Under 5,000 square feet 5,001 to 30,000 square feet 30,001 to 90,000 square feet over 90,000 square feet	None 1 loading space 2 loading spaces 3 loading spaces
Hotels, Motels, Motor Hotels and Office Buildings Under 5,000 square feet 5,001 to 40,000 square feet	None 1 loading space

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

NON-RESIDENTIAL OFF-STREET LOADING SPACE REQUIREMENTS	
BUILDING FLOOR AREA	REQUIRED LOADING SPACE
90,001 to 90,000 square feet	2 loading spaces
over 90,000 square feet	3 loading spaces

- a. Loading space shall be located to serve the site and building without blocking vehicular movement to a driveway or parking stall.
- b. The loading space shall not be permitted in a required off-street parking area.
- c. Individual loading space shall be at least 10 feet wide and 24 feet long, with a minimum height clearance of 14 feet.
- d. All loading docks and doors facing a public street shall be screened from view.
- e. Access to the loading space shall not be taken directly from a street. Maneuvering areas shall not include the street right-of-way.
- f. Loading spaces shall be clearly marked with a minimum of 3-inch lettering and kept clear and unobstructed at all times when it is not in use.
- g. Loading and unloading areas shall be designed in conformance with Chapter 6.47 of the Hawaiian Gardens Municipal Code, Urban Stormwater Mitigation, Management and Discharge, and applicable NPDES requirements.

- 3. *Stacking and Waiting Lanes.* In addition to parking and loading spaces, land uses with drive in/drive through facilities such as banks, car washes, fast food restaurants, gas stations, photo-finishing booths, and ATM’s shall provide separate stacking and waiting lanes, which do not count toward the required parking spaces. Stacking space for at least 5 cars at 18 feet each shall be provided.
- 4. *Fractions.* If the calculation of required parking spaces results in a fractional number, the fraction shall be rounded up to the next whole number.
- 5. *Mixed Occupancies.* In case of mixed uses within a building or a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Parking for one use shall not be considered as providing the required parking facilities for any other use, unless specifically allowed under a shared parking arrangement, and complying the provisions for shared parking below.
- 6. *On-street Parking.* On-street parking spaces shall not be used in meeting the required off-street parking spaces.
- 7. *Walkways.* Pedestrian access and walkways adjacent to parking spaces shall not count toward required parking spaces.

C. Handicap Accessible Parking Spaces. Handicap accessible parking spaces shall be provided and constructed in accordance with State Building Code (Title 24 of the California Code of Regulations) and the sign requirements of the California Vehicle Code Sections 22511.7 and 22511.8. In addition, the following standards shall be implemented:

- 1. Handicap accessible parking spaces shall be located on the shortest possible accessible route from adjacent parking to an accessible building entrance. In facilities with multiple accessible building

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

entrances with adjacent parking, handicap accessible parking spaces shall be dispersed and located near the accessible entrances.

2. Handicap accessible parking spaces shall be provided as follows and shall count towards the total parking spaces required:

HANDICAP ACCESSIBLE PARKING SPACES	
Total Parking Spaces in the Lot	Required Number of Handicap Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
210 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 space per 100 above 1000

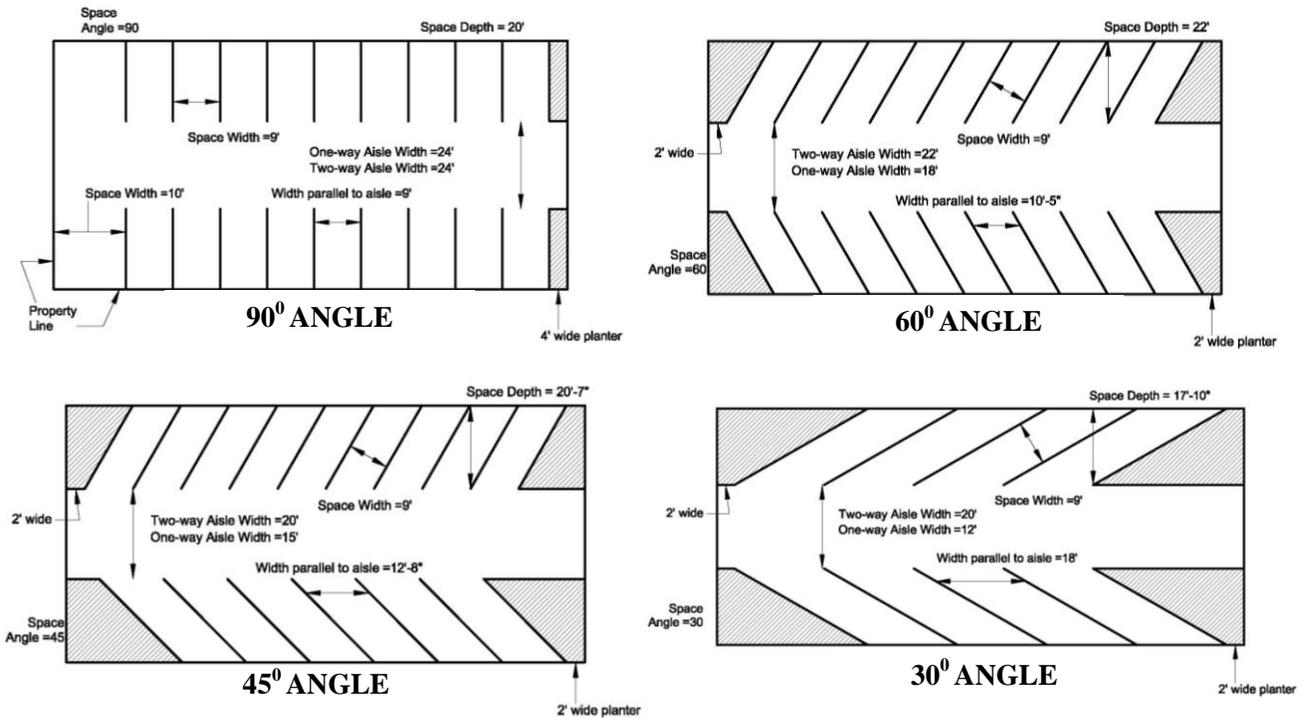
D. *Parking Layout and Dimensions.* Parking facilities shall be designed to conform to the following minimum standards:

1. Parking space, drive aisles, driveways, and other parking lot facilities shall have the minimum dimensions indicated in below.

REGULAR PARKING SPACE DIMENSIONS					
Space Angle	Space Width	Space Depth	One-Way Aisle	Two-Way Aisle*	Width of Space Parallel to Aisle
0°	10'	10'	15'	20'	22'
30°	9'	17' - 10"	12'	20'	18'
45°	9'	20' - 7"	15'	20'	12' - 8"
60°	9'	22'	18'	22'	10' - 5"
90°	9'	20'	24'	24'	9'

* - Wider aisles may be required for fire access and emergency vehicles.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS



2. Parking spaces parallel to the property line shall not be less than 10 feet by 22 feet per vehicle.
3. For angled parking, the minimum distance of the first parking space for angle parking shall be 10 feet from the property line.
4. Tandem parking arrangements shall not be considered as meeting the minimum requirements established by this Section, unless the development requires more than 500 spaces and a valet parking attendant is on duty during business hours.
5. No more than 20 percent of the required parking spaces shall be compact spaces. All compact spaces shall be marked "Compact" and located as far as possible from buildings. Parking space in excess of those required under this Section may be provided as compact spaces. Minimum compact parking space dimensions are provided in the table below.

COMPACT PARKING SPACE DIMENSIONS					
Space Angle	Space Width	Space Depth	One-Way Aisle	Two-Way Aisle	Width of Space Parallel to Aisle
0°	9'	9'	14'	20'	9'
30°	8'	15' – 10"	12'	20'	16'
45°	8'	18' – 6"	15'	20'	11' – 3"
60°	8'	19' – 8"	18'	22'	9' – 2"
90°	8'	18'	24'	24'	8'

6. Parking spaces shall be striped to clearly show the layout of the parking stalls. Striping shall be at least 4 inches in width and shall be maintained in a clear, visible, and orderly manner at all times. Space width shall be measured perpendicularly from center of stripe to center of stripe.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- E. Location of Parking Facilities.** Off-street parking facilities shall be located as specified in this Section. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.
1. Parking facilities shall be located on the same property as the use the parking is intended to serve, unless a Minor Exception is granted by the Community Development Director or the use requiring the parking is located in a parking district and all of the following conditions are met:
 - a. The parcels containing the use and the off-site parking are under common ownership or appropriate agreements with the property owner of the parking parcel are established prior to approval of the off-site parking facility.
 - b. The parcel to be used for parking is not separated or divided from the building or use it is intended to serve by Carson Street, Norwalk Boulevard, other major highway, Coyote Creek or the Artesia-Norwalk Storm Drain Channel.
 - c. For hospitals, large group homes, institutions, rooming and lodging houses, adult retirement homes, congregate care facilities, and community clubs, parking facilities shall be located no farther than 150 feet from the facility.
 - d. For uses other than those specified above, parking facilities shall be located no farther than 500 feet from the facility.
 - e. The use of the off-site parcel would not be detrimental to public safety.
 2. Property within the public right-of-way shall not be used to provide required parking or loading facilities.
- F. Driveways.** Each required parking space shall be provided with adequate ingress and egress through a paved driveway.
1. *Vehicular Access.*
 - a. All uses which adjoin a major highway shall, whenever possible, take access by way of a secondary road. An acceleration/deceleration lane may be required to serve the site if access is from a major highway.
 - b. Access to driveways shall be located so as not to interfere with the traffic flow on adjacent streets.
 - c. Access driveways across sidewalks or pedestrian ways shall be designed in such a manner as to promote pedestrian safety.
 2. *Driveways.*
 - a. Driveways shall be at least 24 feet wide for 2-way traffic and 12 feet wide for one-way traffic if serving a non-residential use.
 - b. All driveways shall maintain a vertical clearance of at least 10 feet.
 - c. No more than 1 driveway for every 50 feet of street frontage shall be provided for each parcel.
 - d. One driveway may serve adjacent uses or abutting properties only if proper easements and agreements are executed and filed with the City and recorded with the County Recorder.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- e. Where required for public safety, appropriate entrance, exit and directional signs shall be posted at the driveways and parking areas and maintained by the property owner.
- f. Abandoned and unused existing driveway approaches shall be removed and replaced with sidewalk, curb, and gutters in accordance with City standards and at the expense of the lot owner.
- g. Fire lines shall be adequately marked and patrolled to prevent parking and other obstructions.

3. *Parking on Driveways.*

- a. “No Parking” signs, with lettering not less than 2 inches in height, shall be conspicuously placed and maintained at the entrance to a driveway and at every 50 feet.
- b. Where the driveway serves more than 5 parking spaces, no vehicle shall be parked or left on the driveway except for temporary loading and unloading of passengers or goods.

4. *Pedestrian Access.* Internal walkways shall be provided to assure safe access to the building from parking areas, adjacent properties, and public sidewalks.

G. *Adjustments to Off-Street Parking Requirements.* The number of parking spaces required by this Section may be reduced in compliance with the following requirements and procedures.

1. *Shared Parking.* Shared parking may be permitted for non-residential multi-tenant properties only to meet the requirements of this Section under the following circumstances:

- a. The uses generate parking demands separately such that each use would require parking during hours when the remaining uses are not in operation.
- b. The minimum number of parking spaces provided shall meet the requirements of the use with the single greatest parking demand, based on a shared parking study prepared by the applicant and based upon established standards such as the *ITE Parking Manual* and the *ULI Shared Parking* methodologies.
- c. Shared parking arrangements for commercial centers and industrial developments and mixed uses shall be permitted subject to the following provisions:
 - The uses sharing the parking facilities shall be located on the same or contiguous lots.
 - A 25% reduction in parking may be allowed if the combination of uses in the same building or premises will not necessitate the provision of the number of parking spaces that would be required if the uses were developed independently.
 - All parties sharing parking facilities shall sign a shared parking agreement, subject to approval by the City Attorney and the Community Development Director, which shall be recorded with the County of Los Angeles Recorder’s Office. The agreement shall continue to be valid upon change of ownership of the property subject to the agreement or any lawfully existing building or structure on said properties.
 - Shared parking arrangements shall be authorized by a Minor Use Permit issued by the Community Development Director for the use for which the parking is provided.
 - The parcel to be used for shared parking is not separated or divided from any building or use it is intended to serve by Carson Street, Norwalk Boulevard, other major highway, Coyote Creek or the Artesia-Norwalk Storm Drain Channel.
 - For hospitals, large group homes, institutions, rooming and lodging houses, adult retirement homes, congregate care facilities, and community clubs, shared parking facilities shall be located no farther than 150 feet from the farthest facility or use.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- For uses other than those specified above, shared parking facilities shall be located no farther than 500 feet from the farthest facility or use.
 - The shared parking facilities shall not be detrimental to public safety.
2. *Parking management plan.* When a parking management plan to mitigate impacts associated with a reduction in the number of required off-street parking spaces is required by this Section, the parking management plan shall include the following applicable parking management mechanisms:
 - a. Restricting land uses to those that have hours or days of operation so that same parking spaces can be used by two or more uses without conflict.
 - b. Restricting land uses with high parking demand characteristics.
 - c. Restrictions on the number or location of employee parking spaces.
 - d. Securing off-site parking in compliance with Section 18.70.010(E) (Location of Parking Facilities).
 - e. Providing parking attendants and valet parking.
 - f. Parking area design, including the use of tandem parking and variations on the dimensions normally required by this Chapter.
 3. *Minor Exception.* The Community Development Director may approve a Minor Exception to reduce parking requirements by up to 10 percent under the following conditions:
 - a. Change in use. Parking requirements, increased by virtue of a change in use, may be reduced by the Community Development Director when all of the following conditions are present:
 - The structure(s) was designed and intended for nonresidential use; and
 - The structure(s) was built before the effective date of the current parking requirements.
 - b. Expansion of structure area. Parking requirements, increased by virtue of an expansion of structure area may be reduced with the approval of a Minor Exception when all of the following conditions are present:
 - No substantial change in use or intensification is involved. That is, the expansion is in relation to the existing lines or types of merchandise carried or service provided and no new product lines or types of merchandise or services are being added as a result of the expansion;
 - The increase in floor area does not exceed 25 percent of the existing gross floor area;
 - The probable long-term occupancy of the structure, based on its design, will not generate additional parking demand; and
 - The structure or structures were originally built before the effective date of the current parking requirements.

H. General Requirements.

1. Off-street parking facilities for a specific building or use shall not be applied towards the minimum parking requirements for other buildings or uses.
2. All off-street parking areas, driveways, and driving aisles shall be paved, striped, and marked to clearly define access lanes, parking spaces and internal circulation, in accordance with adopted City standards. Such surfacing shall be designed, constructed, and maintained to prevent surface

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

water ponding. Drainage of runoff shall not be allowed across public sidewalks. Every three years, all parking areas and drive aisles shall be slurry sealed.

3. Driveways and parking areas shall be surfaced and improved with Portland concrete cement or asphaltic concrete and maintained in good serviceable condition at all times.
4. All off-street parking facilities shall be kept clean and free of dust, mud, or trash on a regular maintenance schedule. Where landscaping is provided, adequate irrigation and maintenance shall be provided.
5. Fuel station pump islands shall not count as required parking.
6. Bicycle or motorcycle parking stalls shall not count as required parking spaces.
7. Bumpers, wheel stops, stall markings, and other vehicular control are required for off-street parking facilities serving uses other single-family residential as set forth in the City of Hawaiian Gardens' Public Works Standards. Planting aisles may be used in lieu of bumpers or wheel stops at the discretion of the Community Development Director. Vehicles may overhang in a landscaped planter box, provided that the encroachment does not exceed 1 foot.
8. Parking areas shall be separated from an adjacent street or alley by a fence or a concrete curb not less than 5 inches in height. Curbs shall be installed a minimum of 4 feet from any wall, fence, building, street, alley, right-of-way or other structure. The minimum standard curb radius shall be 6 feet at all aisle corners. Concrete curbs shall also be installed along the borders of parking areas, driveways, loading areas and similar facilities where they abut landscaped areas.
9. Lighting of open parking areas shall be cut-off lighting directed toward the parking surface to avoid light and glare impacts to adjacent properties.
10. If off-street parking facilities for an existing use do not conform to the minimum requirements of this Section, the use will not be considered a nonconforming use pursuant to *Section 18.100.130 Nonconforming Uses and Structures*.
11. Required parking spaces and areas shall be maintained for the duration of the use requiring such areas.
12. Required parking spaces shall not be placed in front of entry points or doorways.
13. Parking areas for 5 or more vehicles and abutting a Residential zone shall be separated from the residential lot by a 6-foot high solid masonry wall. The wall along the front yard area of the adjacent lot shall be no more than 42 inches high.

I. Use of Parking Areas.

1. Required parking and loading spaces and areas shall not be used for the sale or display of goods and services, or for the sale, display, or repair of motor vehicles.
2. Temporary use of parking areas for special events or sales may be permitted subject to the conditions of the Temporary Use Permit for the temporary use.
3. All required off street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times during business hours.
4. No owner or tenant shall lease, rent, or otherwise make unavailable to intended users any off street parking spaces required by this Title.
5. All non-residential off street parking facilities shall be used for the purpose of parking temporary vehicles used only by employees or patrons of the facility. Any parking reconfiguration or use

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

shall be approved by the Community Development Director. No parking facilities shall be rented or leased for any purpose unless approved by the Community Development Director.

J. *Parking Districts.*

1. *Establishment of Parking Districts.* The City Council may establish Parking Districts that are intended to;
 - a. Address the parking needs within a designated area on an area-wide basis rather than on a parcel by parcel basis;
 - b. Establish parking management programs to achieve the most efficient use of available parking facilities with a designated area;
 - c. Reduce traffic congestion and parking shortages; and
 - d. Encourage common and joint use parking facilities.
2. *In-lieu Fee Required.* Within parking districts established by the City Council and shown on the zoning map, off-street parking requirements for nonresidential uses may be satisfied by payment of an in-lieu parking fee established by the City Council. Payment of the in-lieu fee shall be made before issuance of a building permit or a certificate of occupancy.
3. *Use of Revenue.* Fee revenue shall be used to provide public parking lots in the vicinity of the uses paying the in-lieu fee.

18.70.020 Landscaping and Screening.

The purpose of this Section is to provide landscaping and buffering guidelines to improve the aesthetic appearance of the City and to promote compatibility between land uses. In addition, this Section encourages the use of water efficient techniques in the design and maintenance of landscaping, promotes the safety of pedestrians and motorists, and enhances the distinctive character of the City. This Section shall apply to all new projects, additions and existing properties.

A. *Landscaping Standards.*

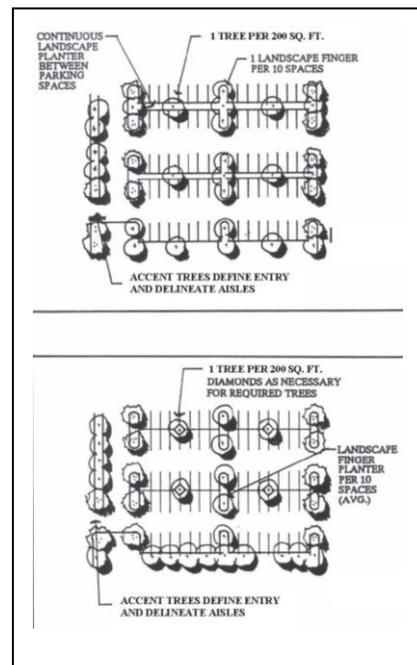
1. *Landscaped Area.* At least 10% of the project site shall be landscaped, which may include parking lot areas and required setback areas.
2. *Landscape Design.* All open areas within a project site including required setback areas, excluding parking areas and driveways, shall be landscaped with sod, shrubs, and trees. A minimum one tree shall be installed for every 200 square feet of landscaped area. A combination of 24- and 36-inch box evergreen trees shall be used.
 - a. Landscape designs shall consider such factors as the function of the landscape elements, compatibility to the area, consistency with the building and its architectural design.
 - b. The plant material selected shall be suitable for the given soil and climate conditions and shall be in accordance with the City's standard plant material palette, as approved by the Community Development Director.
 - c. The landscape plan shall incorporate measures for the preservation of existing mature trees on site, as feasible. The area under the drip line of existing trees which are to be saved shall be fenced during construction to protect the trees from damage and to prevent soil compaction, along with other tree protection measures as necessary.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- d. Yard areas and all unpaved open areas shall be landscaped with sod, trees and/or shrubs.
3. *Installation of Required Landscaping.* All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy from the Building and Safety Division.
4. *Safety.* Trees and shrubs shall be planted in a manner that at maturity they do not interfere with utility lines, sight lines for traffic safety or encroach on adjacent property.
5. *Irrigation of Landscaping.* All landscaped areas shall include an automation irrigation system approved by the City that provides adequate coverage and irrigation. Water runoff into the public right-of-way is prohibited. Efficient water conservation systems such as drip irrigation systems are encouraged.
6. *Maintenance Guarantee.* The owner or responsible person of the development project is responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and application of appropriate quantities of water to all landscaped areas. In addition, landscape maintenance practices which foster long term landscape water conservation shall be employed.

B. *Parking Lot Landscaping.*

1. *Requirement.* All landscaped areas shall be continuously maintained. The landscape areas shall include at least one tree per 200 square feet, under planted with groundcover. A combination of 24- and 36-inch box evergreen trees shall be used. Landscaping fingers at least 4 feet in width shall be provided for every ten parking stalls within any parking row. Where double rows of parking are provided, diamond or island planters shall be provided at an interval of one planter for every 10 pairs of parking stalls.
2. *Street Frontage.* For commercial developments, a landscape strip a minimum of 5 feet wide shall be provided along the street frontage of a parking lot in compliance with Subsection D, below.
3. *Planting Bed Requirements.* The planting bed shall have a width of no less than 4 feet, a minimum area of 24 square feet, and be bounded by a concrete curb or equal, having a height of 6 inches. The dimensions of the concrete curb shall not count toward the required area requirements for the planting bed.
4. *Distribution of Landscaping.* In complying with the 10 percent landscaping requirement, the landscaping shall be distributed throughout the parking areas as evenly as possible.
5. *Utilization of Additional Space.* All areas in a parking lot not used for driveways, maneuvering areas, parking spaces, trash or equipment enclosures or walks, shall be landscaped and maintained.
6. *Irrigation.* Landscape design shall facilitate the implementation of landscape maintenance practices which foster long-term water conservation.



CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

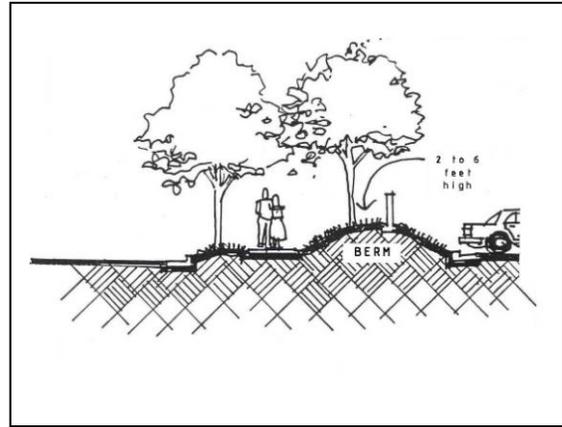
- C. **Plant Materials.** The planted area shall use a combination of trees, shrubs, vines on walls and ground cover/sod/perennials shrubs. Plants selected shall be checked for suitability in regard to eventual size and spread, susceptibility to disease and pests, and adaptability to existing soil and climatic conditions. Landscape design and construction shall emphasize drought-tolerant materials when possible. All landscape materials shall be subject to approval by the Community Development Director for appropriateness and consistency with the objective of water conservation.
1. *Trees.* Trees shall be a combination of 24- and 36-inch box size at the time of planting.
 2. *Shrubs.* Shrubs shall be a minimum 15 gallons in size at the time of planting.
 3. *Ground Cover.* Ground cover shall be used throughout, and be planted at least 8 inches on center. At least 50 percent of all landscaped areas containing trees and shrubs shall be underplanted with groundcover, with the remaining areas to incorporate a minimum 2 inch layer of compost or mulch.
 4. *Turf.* Sod incorporated into the landscape design shall not constitute more than 25 percent of the total landscaping area. Said turf shall be of a drought-tolerant variety.
 5. *Location of Trees.*
 - a. Trees within a parcel or street trees shall be located and maintained to preserve a clear zone of at least ten 10 feet from fire hydrants, utility poles, overhead utility wires, street light luminaries, and aboveground utility structures such as transformer enclosures.
 - b. All trees shall be planted at least 5 feet from underground utility such as water, storm drain, gas, electric and telephone, and 8 feet from sanitary sewer lines.
 - c. Trees shall not obstruct vision clearance areas.
 - d. The tree shall be at least 3 feet from any meter box.
 - e. The tree shall be at least 8 feet from driveways.
 - f. Street trees shall be provided within the public right-of-way (ROW) or within a 5-foot wide easement behind the ROW. Generally, the tree shall be located approximately 3 feet behind the curb or sidewalk.
 - g. Tree wells shall be provided around trees located within the parkway of a public right-of-way.
 - h. Street trees shall be 40-foot palm trees or other species as approved by the Community Development Director.
 6. *Number of Trees.* There shall be a minimum of one street tree for every 25 linear feet of street frontage within or adjacent to the development.
 7. *Street Tree Maintenance and Replacement*
 - a. Newly planted trees shall be watered until established and shall be maintained in a flourishing manner. Trees shall be replaced consistent with the City's suggested street tree list.
 - b. All street trees and parkways shall be watered and maintained by the abutting owner in front of whose property such trees are planted.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- c. The planting, removal, trimming, pruning of trees in all public parks, parkways and street right-of-way within the City of Hawaiian Gardens shall be maintained by the Public Works Department.

D. *Perimeter Buffering/Screening.*

1. *Screening Requirement.* Perimeter buffering, which may include a combination of landscape materials, low level walls and structures, shall be used to screen parking areas, loading areas, and utilities from public view.
2. *Perimeter Landscape Strip.* A landscape strip shall be provided and maintained, except in a required driveway or other access area that is no less than 5 feet in depth measured horizontally from the front property line adjacent to the public right-of-way. The perimeter landscape strip shall consist of trees, shrubs, groundcover, and/or turf.
3. *Buffer areas abutting residential use.* A landscape buffer shall be provided and maintained on non-residential sites when the side or rear yard of the parcel abuts a residentially zoned parcel. The buffer area shall be planted with a minimum of one tree per every 10 linear feet along the adjacent property line. Tree placement does not have to be linear or equal spacing. Shrubs, groundcover, and/or turf shall be planted to provide 100 percent coverage within one year of planting. Where possible, vines shall be grown onto walls and fences to soften their appearance.



E. *Landscape Design Review.*

All landscape plans shall be reviewed and approved by the Community Development Director. Plans shall be prepared by a landscape designer. All quantities, species, and spacing shall be determined by the Community Development Director. Landscape plans are to be designed so as to achieve an immediate effect and shall have at least 75% of actual planted area.

18.70.030 **Trash and Recycling Enclosures.**

The purpose of this Section is to ensure that all uses in the City are provided with trash receptacles to promote public health and safety, as well as to screen areas used for the storage of trash receptacles from public view. This Section shall apply to all new developments, additions and existing properties.

A. *Trash Receptacles.*

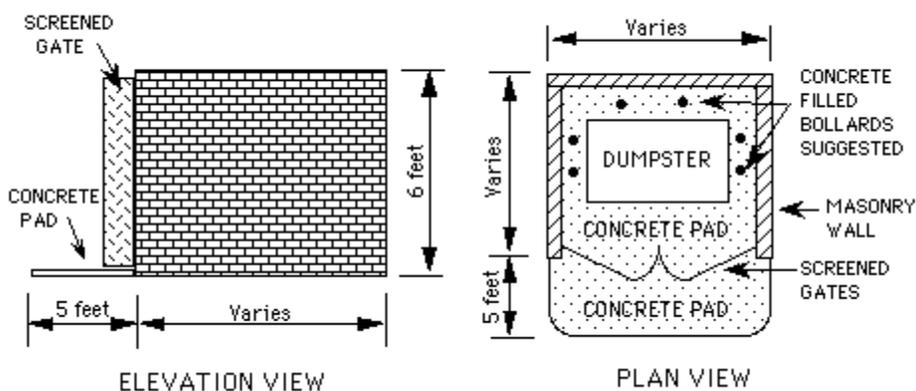
1. All waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. Each development shall be provided with facilities for the storage and collection of trash.
2. All trash, rubbish, recycling, and garbage receptacles shall be regularly cleaned, inspected and maintained in clean, safe and sanitary conditions.
3. All trash storage shall be located for convenient vehicular access for pick up and disposal.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

4. Trash and recycling receptacles shall not be stored within the setback area of a rear or side yard which abuts a public street. If located or placed in such rear or side yard, the receptacles shall be screened from view from such street.

B. Collection Areas. Commercial, industrial, and other non-residential developments shall provide on-site collection areas of trash, waste, garbage refuse, and recyclable materials.

1. Trash collection areas shall be located within 200 feet of the building they are designed to serve.
2. All outside trash and garbage collection areas shall be enclosed by a view-obscuring masonry wall, 6 feet in height on three sides, so that contents are not visible from any public street or adjacent property.
3. Trash enclosures shall be provided in accordance with the following:
 - a. Trash enclosures shall have a minimum of 35 square feet in area. The size of the enclosure(s) shall be determined by the Community Development Director, based upon the size and nature of the facility.
 - b. Trash enclosures shall be 6 feet high, constructed of concrete blocks and shall have screened gates or doors that are self closing and latching.
 - c. Trash enclosures shall be provided with roof.
 - d. The floor of the trash enclosure shall be a concrete pad which shall extend 5 feet beyond the opening of the trash enclosure.



- e. The gate or door shall be of sufficient width to provide convenient access to the storage area for deposit and removal of wastes, waste bins, and other contents.
- f. The trash enclosure shall be provided with a lid or cover if the bins are left open, to prevent windblown trash and debris.
- g. Clear visibility for adjacent drive aisles shall be maintained.
- h. Trash enclosures shall be located so as to minimize disturbance to single family residential development. Trash enclosures shall be at least 50 feet away from any single-family residential zone, unless the adjacent property is undeveloped and the City determines that the setback will not fulfill its intended purpose at the present time.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- i. In accordance with Section 6.47.090 of the Hawaiian Gardens Municipal Code, trash enclosure areas shall not be designed in the path of drainage nor shall roof drainage downspouts discharge into the trash enclosure.
- j. The disposal of hazardous wastes into trash containers used for municipal trash disposal so as to cause a discharge into the municipal separate storm sewer system (MS4) is prohibited by law.

18.70.040 Fences, Walls, Gates, and Hedges.

This Section outlines the regulations for the design, construction, and maintenance of fences, walls, gates, and hedges for the separation of parcels and property, and as a means of promoting privacy, preventing nuisance impacts on adjacent uses, and promoting community character. All non-residential developments shall be improved with a fence or wall in accordance with the provisions below, except for the front yard setback, which is optional. The property owner shall be responsible for the construction of any walls or fences that occur within their property. The Community Development Director may require that the lot be surveyed by a licensed surveyor for verification of lot lines prior to construction.

Although most walls and fences under 6 feet in height do not require building permits, property owners are required to submit plans to the Community Development Department for administrative review. This Section shall apply to all new projects, additions and existing properties.

A. *Maximum Heights.*

1. Any fence, wall, gate, or hedge located in the required front yard shall be between a minimum height of 36 inches and a maximum height of 42 inches if made of solid materials or a maximum height of 48 inches if it is a wrought iron fence or combination thereof. Fences or wall adjacent to side and rear property lines shall be 6 feet in height.
2. Plant materials provided within side and rear yards, which are used for buffering, may exceed 8 feet in height, provided that they do not obscure the vision of any driveway approach.
3. The portion of the fence or wall functioning as a retaining wall shall be counted in determining the overall fence or wall height. The height of the wall or fence shall be measured from the finished grade of the adjacent sidewalk.
4. No fence, wall, or hedge located within the rear 20 feet of a through lot shall exceed 42 inches in height.
5. Under no circumstance shall any wall or fence be allowed to exist anywhere on the property that exceeds the height limitations of the respective setback area as described above between the perimeter property line and the face of the building.
6. The owner of any vacant lot or unoccupied building shall be responsible for keeping such land free of all rubbish, refuse, weeds and debris and enclosed by a 6-foot chain link fence around the entire perimeter of the property. The fence shall be installed with the proper top rails and post at the proper intervals. The fence shall be knuckled at the bottom and top to avoid sharp edges. Access gates shall be adequately provided for vehicle entry.
7. All swinging gates shall be prohibited from encroaching into the public right of way.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

8. If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Community Development Director in terms of its compatibility and harmony with the proposed building and overall site development.
9. All fences walls and hedges must conform to the vision clearance areas. *See Section 18.90.120*

B. Materials.

1. Masonry, wrought iron fencing materials or combination thereof shall be used for fences, walls, or gates. Existing block walls may be salvaged at the discretion of the Community Development Director, provided the wall is repaired and resurfaced with a stucco coating. Chain link fencing is not permitted in the City.
2. Vine-covered walls shall be allowed subject to approval by the Community Development Director.
3. No barbed or razor wire shall be used or maintained as part of any fence, wall, gate or hedge. No sharp point, including glass, shall project from the top of the fence or wall.
4. No salvaged materials, scrap wood, or recycled materials shall be used for fencing or walls. Fencing and walls shall be constructed with all new materials.
5. Existing legal nonconforming fences or walls should be maintained or repaired.
6. All swinging gates shall be prohibited from encroaching into the public right-of-way.
7. Plastic slats may be used as a screening material for existing chain link fences. No other material or fabric may be used for screening or attached on any type of fence in the City.
8. It shall be the applicant's responsibility to eliminate double wall at property lines. The developer shall make every effort with neighboring parcels to negotiate a new wall and cover all expenses.

18.70.050 Lighting and Security.

This Section regulates lighting and security standards for non-residential developments. The intensity and design of all lighting fixtures shall be reviewed and subject to the approval of the Community Development Director.

- A. Security Lighting.** Ample security and safety lighting shall be provided within all portions of the development, including parking lot lighting, step lighting and other illumination necessary to assure safety.
- B. Location.** The placement of exterior lights shall not direct light into adjacent structures or lots or into vehicular traffic on off-site adjacent roadways.
- C. Design.** Incorporation of lighting on a building shall emphasize architectural details, materials, surface elements, and/or colors, and avoidance of excessively bright or glaring illumination. All fixtures shall be of the same basic or complementary design to assure visual continuity.
- D. Glare.** Exterior lighting (except for street lighting and warning, emergency or traffic signals) shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area.
- E. Shields.** Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- F. **Lighting for Signs.** Light sources and fixtures provided as part of a sign are regulated under *Section 18.90.050 Signs and Advertisements.*

18.70.060 Outdoor Storage , Display and Uses

The Section regulates outdoor storage and the use of yard areas for storage, display, or parking in the non-residential zones. All screening shall be in compliance with *Section 18.70.040* and subject to approval by the Community Development Director.

- A. **Limitation on Outdoor Uses.** All uses shall be conducted totally within an enclosed building or structure, except for those uses that are customarily conducted in the open, including: auto trailer sales areas, car sales area, miniature golf course, service stations, tree/plant nurseries, drive in restaurants, Christmas tree sales, temporary storage of contractor supplies during construction, patio dining, and other uses determined to be similar as approved by the Community Development Director.
- B. **Front and Side Yards.** No portion of any required front yard or side yard on the street side of a corner lot shall be used for the storage of motor vehicles, trailers, airplanes, boats, or parts of these vehicles, trailers, airplanes, or boats.
- C. **Equipment.** All materials, machinery, and equipment shall be stored within an enclosed building or fully screened so as not to be visible from adjoining or adjacent lots, except for the following: off-street parking of passenger vehicles or pick-up trucks.
- D. **Recreation Vehicles.** Recreational equipment shall not be stored on non-residential parcels unless enclosed within a building.
- E. **Vehicle Storage.** Overnight exterior storage of more than 10 vehicles or use of more than 10 percent of lot area for storage or activities not located within an enclosed building shall require a Minor Use Permit.
- F. **Mechanical Equipment.** All mechanical equipment, including air conditioning compressors and similar machinery, located on roof tops or at the ground level shall be completely screened from view by an enclosure constructed of permanent, noncombustible materials that is consistent with the architectural design and color of the adjacent building. All such equipment shall be maintained in a clean and proper condition, to prevent the collection of litter and debris and to avoid emission of unnecessary noise, dust, or fumes.
- G. **Building Materials.** No portion of any property shall be used for storage of building materials, except when required for ongoing construction pursuant to a valid building permit issued by the City.
- H. **Service Station Vehicles.** Vehicles and equipment shall not be stored outside of a building when the repair service portion of a service station is not open for business.
- I. **Outdoor Display.** Outdoor display of for rent or sale vehicles, equipment, garden supply, or building materials are not permitted in non-residential zones. An exception would be the private sale of a vehicle.
1. A building not less than 300 square feet of floor area shall be provided in the same parcel or adjacent parcel.
 2. Display materials shall be set back 5 feet from the street and shall not be located within required parking areas.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

3. Areas used for display shall be surfaced with 2 inches of black top or other hard pavement.
- J. *Painting.*** Painting (except color matching) and sandblasting shall not occur in the open unless properly screened.
- K. *Repair and Construction Activities.*** Outdoor maintenance activities shall occur only from 7 am to 10 pm Monday to Saturday. No construction allowed on Sunday.
- L. *Containers.*** Containers, trash bins, and other storage containers used for outdoor storage shall be subject to the following standards:
1. No more than 1 container is allowed on any one parcel.
 2. Containers shall not be used for outdoor storage for more than 30 days.
 3. Use of containers shall be subject to approval of a Temporary Use Permit by the Community Development Director.

18.70.070 Height of Structures

- A. *Height of Buildings.*** No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, or other structures shall exceed the height limit provide in this Title.
- B. *Height of Structures.*** Flagpoles, chimneys, and smokestacks shall not extend more than 10 feet above the height limit specified in this Title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.

18.70.080 Property Maintenance.

This Section outlines the regulations relating to the maintenance of private property in the City, so as to protect the public health, safety and welfare and to create and maintain a livable community.

- A. *Property Owner Responsibility.***
1. Every owner, lessee, occupant or person having charge of property within the City is required to maintain such property in a manner so as not to create any hazard to the health, safety and welfare of the public or to violate the provisions of this Section.
 2. No use or activity shall create any amount of heat, humidity, blowing or vented air or gases that can be detected in amounts deemed annoying to an average person at the property line, unless a solid fence shields the source sufficiently from the adjoining lot.
 3. All uses shall be conducted totally with an enclosed building, except for those uses which are customarily conducted in the open, as determined by the Community Development Director.
 4. The owner, lessee, occupant or person having charge of property remains liable for violations hereof regardless of any contract or agreement with any third party regarding such property. The duty imposed by this Section on a property owner shall in no instance relieve those persons herein referred to from the similar duty.
- B. *Classification of Nuisances.*** The following acts and conditions when performed or existing upon any lot or parcel of land within the City are declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

welfare, which have a tendency to degrade the appearance and property values of surrounding property or which cause damage to public rights-of-way:

1. Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to any of the following conditions:
 - a. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, windows, doors, or unpainted or deteriorated surfaces causing unsightliness, dry rot, warping or termite infestation, structures covered with temporary tarps.
 - b. Buildings or structures which are not completed and left unfinished within 6 months of the set construction schedule and for which the permit for such construction has expired.
 - c. Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements or which are boarded up by a method or materials not approved by the Community Development Department.
 - d. Fences or walls which are in a hazardous condition, or which are in disrepair, or which hinder free access to public sidewalks.
 - e. Broken windows constituting hazardous conditions and inviting trespassers.
 - f. Abandoned or unoccupied buildings which have been left to remain stagnant and deteriorating causing unsightliness.
 - g. Structures that have not been repainted in a uniform color throughout as a result of graffiti or maintenance.
 - h. Structures that have been repainted to a non-earth tone color.
2. Dead, decayed, diseased or hazardous trees; weeds and other overgrown vegetation likely to harbor rats, vermin or nuisances or weeds and other vegetation which constitutes a fire hazard.
3. Inoperative, disabled, dismantled or partially dismantled vehicles, trailers, campers, boats, and other mobile equipment, including non-motorized trailers, stored in areas not intended for storage or as a primary use.
4. Hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations or stagnant water.
5. Storage or scattering over the property of any of the following:
 - a. Debris, rubbish or trash not stored in trash receptacles.
 - b. Abandoned, discarded, broken, wrecked, inoperable or discarded furnishings, appliances, machines and tools, or similar objects of equipment.
 - c. Discarded building materials, machinery, parts, remnants, unusable inventory.
 - d. Use of tarps for areas used for storage or other use visible from the public right-of-way.
6. Packing boxes and other debris materials or objects stored in yards and visible from public streets.
7. Trash and recycling receptacles stored in front or side yards and visible from public streets.
8. Temporary signs that advertise or are related to events which have already taken place.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

9. Abandoned signs which no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located and which has not been changed or removed within 1 month of a tenancy change.
 10. Unpaved or deteriorated parking lots containing uneven surfaces, drainage problems or that are hazardous to the public.
 11. All activities conducted that are objectionable by reason of noise, odor, dust, mud, smoke, vibration, or other similar causes.
 12. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Section 3480 of the California Civil Code.
 13. Outdoor ornaments, decorations and Christmas lighting being displayed between the months of February through October.
 14. Uses not expressly permitted or conditionally permitted by the underlying zoning regulations.
- C. *Declaration of Nuisance.*** Whenever the Community Development Director finds that a nuisance, as defined above, exists on any premises located within the City, the Director shall serve upon the property owner a notice of violation in accordance with the provisions of *Section 18.100.180, Enforcement* of this Zoning Code. In addition, the Community Development Director may enforce the Zoning Code through the administrative citation process as outlined in Sections 1.12 and 1.13 of the Hawaiian Gardens Municipal Code.

18.70.090 Non-Residential Design Guidelines.

Design guidelines have been developed to promote high quality development, to protect the City from the adverse effects of poor design, to encourage originality, creativity, and compatibility within the neighborhood, and to enhance the beauty; livability and prosperity of the community. All development within the City, including additions, shall conform to the design standards outlined in below. These standards shall be utilized during the Site Plan Review and Approval process for each development. Compliance with the design guidelines shall be determined by the Community Development Director.

- A. *Applicability.*** New buildings and structures, exterior remodeling and exterior changes of or to an existing building for which compliance with this Zoning Code is required shall be subject to review for compliance with the design standards in this Section. However, the following buildings, physical improvements, and site development are not subject to these standards:
1. Interior design and interior modifications to buildings or structures.
 2. Remodeling projects that do not involve changes in the architectural style of the building or structure, such as window and door openings, handrails, and stairways.
 3. Seismic retrofit projects.
- B. *General Provisions.***
1. Development shall be compatible with the character of the neighborhood and surrounding sites and shall not be detrimental to the orderly and harmonious development of the surrounding areas

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

and of the City. The height and bulk of any proposed building and structure on site should be in scale and in proportion with surrounding structures and not dominate the site or neighborhood.

2. All required site plans shall meet or exceed the minimum development standards (i.e., setbacks, open space, density, signage, lighting standards, minimum parking and loading areas, and landscaping requirements) established in this Zoning Code.
3. Site plan and layout of buildings, parking areas, pedestrian and vehicular access ways, and other site features shall give proper consideration to on-site circulation.
4. Site access and circulation shall not negatively impact adjacent roadways or neighborhood traffic.
5. Electrical and similar mechanical equipment and trash and storage areas shall be screened from public view.
6. Archaeological and historical resources should be preserved and protected to the extent feasible.
7. Commercial development shall not have significant adverse effects (such as lighting glare, traffic, building mass/scale, excessive noise) on residences in an abutting residential district.
8. A solid masonry wall of 6 feet in height (minimum and maximum) shall be constructed along the side and rear property lines that abut a parcel that has a different zone than the parcel proposed for development. Landscaping (trees and shrubs) shall be incorporated adjacent to the non-residential side of the wall to help break up and soften the impact of long, flat wall surfaces
9. Building elevations, design characteristics and other architectural and aesthetic features, shall not be unsightly, undesirable, or obnoxious in appearance; shall create an orderly and aesthetically pleasing environment; and shall be harmonious and compatible with existing development in the area.
10. New development or remodeling shall be designed in such a way as to upgrade the appearance and quality of the area.
11. No use activity or process shall be conducted which produces electromagnetic interference with radio or television reception in neighboring residential or commercial areas.
12. New development should incorporate energy and water conservation design to the extent possible.
13. Address numbers shall be clearly visible from the frontage street.
14. All backflow devices shall be screened from public view and integrated into the site plan in a way that does not detract from the appearance of the building.
15. All utility lines shall be placed underground, including facilities and wires for power, telephones, gas, cable television, etc. All conduit lines shall be incorporated into the building and not permitted on the exterior of any building.
16. Window and door security gates or guards may only be installed on the interior of the structure.

C. Design Guidelines. The following guidelines shall be utilized for site plan review, as applicable.

1. In addition to the height and setback requirements for each zone, changes in material, height, projections in the vertical and horizontal plane or similar façade changes are required on visible exterior building walls.
2. No continuous building wall is allowed to extend for more than 50 feet without a recess or change in plane.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

3. Rooftop equipment shall be incorporated into the design of the structure so that it is completely enclosed on all sides and concealed from view by at least 6-inch high screening, roofing or parapet above the uppermost part of the equipment.
4. Conduit lines shall be incorporated into the building and not permitted on the exterior of any building.
5. An elevation of a building facing the sidewalk shall be visually and physically penetrable, incorporate architectural elements to provide visual interest and relief from flat surfaces (e.g., textured materials, offset planes, differentiated piers and columns, recessed entries and windows, and awnings), and compatibly landscaped.
6. Earth tone colors are required on all exterior finish, rather than bright or fluorescent colors.
7. Uses which are located within the ground floor of a structure facing a sidewalk shall be “pedestrian-friendly” (such as high customer turnover uses: restaurants, clothing stores, food stores, health clubs, personal services, and community service organizations).
8. Exterior vending machines such as soft drink dispensers, ice cube freezers and the like are allowed under a Minor Use Permit, in accordance with *Section 18.100.050*. Newspaper racks are acceptable if they are designed and integrated with the structure and subject to Chapter 5.26 of the Hawaiian Gardens Municipal Code.
9. Trash receptacles should be placed at entrances to buildings containing take out and fast food restaurants. No logos, company colors, or advertising area allowed in the receptacles.
10. Awnings (constructed of durable, fade-resistant, and easily maintainable materials), overhangs, porticoes, trellises, and other design elements which provide protection to pedestrians should be encouraged and located at a height to provide sufficient room for pedestrians.
11. Landscaped open space setbacks and plazas between the sidewalk and commercial building should be at the approximate elevation of the abutting sidewalk.
12. *Accessory Structure and Additions.*
 - a. Accessory structures shall have the same roof design, finish materials and color as those used on the main structure to which the accessory structure is related. Existing structures should be repainted to enhance the overall appearance of the property.
 - b. Any structure or building addition shall match existing color, bulk, architecture, roof design, treatment and materials of the main structure on the site.
 - c. Site services should be located on the least visible side of the building or site or within interior building spaces.
 - d. Boundary and other walls should be generally of the same decorative masonry or wrought iron, which is complementary in color, texture, and material to the development as a whole.
 - e. All utility lines shall be placed underground, including facilities and wires for power, telephone, cable television, etc. All conduit lines shall be incorporated into the building and not permitted on the exterior of any building.
 - f. Mechanical equipment on the ground or on the roof should be screened from view from adjacent properties and the public right-of-way by an enclosure designed as part of the building or by appropriate landscaping.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- g. Water heaters, utility boxes such as electrical boxes, gas meters and landscape irrigation equipment, and other utilities should be painted to match the structure or be appropriately screened from view.
- h. Window and door security gates or guards may only be installed on the interior of the structure.

13. *Open Space.*

- a. Public open spaces, plazas and outdoor commercial uses should be well maintained and kept free of debris.
- b. Landscaping should be integrated into the architectural scheme so as to accent and enhance appearance of the development.
- c. Existing mature trees (over 8 inches of trunk diameter) should be considered for preservation in the site planning.

14. *Performance Standards.*

- a. Nuisance. All activities conducted on the premises shall not be objectionable by reason of excessive noise, odor, dust, mud, smoke, vibration, or other similar causes.
- b. Glare or Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible at any point along the property lines.
- c. Vibration. Industrial operations shall cause no inherent and recurring vibration perceptible without instruments at any point along the property lines. Transportation facilities and temporary construction activities are excluded from this restriction.
- d. Smoke. No person shall emit or cause to be emitted into any air contamination source of emission of any air contaminant which is of a shade or density as to obscure a person's vision to a degree in excess of 20 percent opacity. Emissions from fireplaces used for non-commercial, non-industrial or recreational purposes are exempt from this restriction.
- e. Odors. No person shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors at the property line. Uses producing air pollution or objectionable odors are subject to the regulations of the South Coast Air Quality Management District (SCAQMD). Evidence of compliance with SCAQMD regulations shall be required as a condition of approval.
- f. Construction Activity. Construction activity is limited to 7 am to 7 pm Monday to Friday and 9 am to 5 pm on Saturday. No construction activity is allowed on Sunday and City-observed holidays.
- g. Electromagnetic Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with radio, television, or telephone reception in neighboring areas.
- h. Radiation. All operations using or storing radioactive materials shall comply with the applicable regulations of the County Department of Health.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

18.70.100 Mixed Use Projects

This Section provides standards and criteria for the development of mixed-use projects. The primary intent of these standards is to balance the needs of nonresidential uses for access, visibility, parking, loading, safety, and economic development with the needs of residential uses for privacy, security, and relative quiet.

- A. **Minor Use Permit required.** Mixed-use projects shall require approval of a Minor Use Permit in compliance with Section 18.100.050 (Minor Use Permits).
- B. **Development standards.** In addition to the development standards provided in this Section, development standards for the C-2 and C-4 also apply.
- C. **Nonresidential uses required on ground-floor.** All (i.e., 100 percent) of the ground floor street frontage of mixed-use structures shall be a minimum depth of 25 feet and shall be occupied by retail and other compatible nonresidential uses except for common/shared building entrances for residences on upper floors.
- D. **Open space areas.** Open space areas shall be provided in compliance with the open space requirements for the R-4, High Density Residential Zone.
 - 1. **Private open space.** The private open space areas required for residential dwelling units (e.g., balconies, decks, porches, etc.) shall be designed to limit intrusion by nonresidents.
 - 2. **Common open space.** The common open space areas required for residential dwelling units shall be separated from nonresidential uses on the site and shall be sited and designed to limit intrusion by nonresidents and customers of nonresidential uses. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to project residents. Common open space uses may be provided on rooftops for use only by the project residents.
- E. **Sound mitigation.** An acoustical analysis report, prepared by an acoustical engineer, may be required by the Director describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. Projects shall be attenuated in compliance with the report.
- F. **Parking, loading, and access.**
 - 1. **Type and layout of parking facility.** Parking facilities shall be physically separated for nonresidential uses and residential uses, except for residential guest parking. Separate parking areas shall be provided for nonresidential and residential uses with separate vehicle entrances, subject to approval by the review authority.
 - 2. **Loading areas.** Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and public rights-of-way. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted.
 - 3. **Site access driveways.** Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- G. *Buffering and screening.*** Mixed-use projects shall locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development to the greatest extent feasible.
- H. *Notification to owners and tenants.*** Project applicants shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in a mixed use project. The disclosure statement shall indicate that the occupants will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment and potential impacts based upon the allowed uses in the zoning district. Each buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement.

18.70.110 Temporary Emergency Shelters

This Section provides standards for the establishment and operation of emergency shelters in compliance with Government Code Section 65583.

- A. *Maximum number of beds.*** Each emergency shelter may have a maximum of 40 beds.
- B. *Parking.*** Off-street parking shall comply with Section 18.70.010 (Parking and Loading Requirements). Non-operational and unregistered vehicles shall not be kept on site.
- C. *Design and amenities.***
1. *Exterior waiting area.* Each emergency shelter shall provide an exterior waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the public right-of-way. An exterior waiting area shall be physically separated from the public right-of-way.
 2. *Facility layout.* Living, dining, and kitchen areas shall be physically separated from sleeping areas.
 3. *Sleeping area.* Each emergency shelter shall provide at least 35 square feet of sleeping area per bed.
 4. *Bathroom facilities.* Each emergency shelter shall provide facilities for personal care (i.e., bathroom and shower facilities).
 5. *Telephone services.* The shelter shall provide landline telephone services separate from the office phone in order to provide privacy. Any payphones provided shall allow call-out service only.
 6. *Additional standards.* Each emergency shelter shall comply with applicable Building Code, Fire Code, and State Department of Social Services licensing requirements.
 7. *Security lighting.* Each emergency shelter shall provide exterior security lighting subject to approval by the Director. Lighting shall be designed and positioned to avoid light spill onto any abutting residential properties.
- D. *Location restriction.***
1. *Minimum separation distance.* An emergency shelter shall be located at least 300 feet away from another emergency shelter.
 2. *Measurement of separation distance.* The distance of separation shall be measured in a straight line between property lines of each shelter without regard to intervening structures or objects.

CHAPTER 18.70: NON-RESIDENTIAL REGULATIONS

- E.** Operational standards.
1. *Length of stay.* The maximum length of stay shall be 14 days. Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.
 2. *On-site management.* Each emergency shelter shall provide on-site supervision at all times.
 3. *Congregation in neighborhood prohibited.* The shelter operator shall:
 - a. Patrol the surrounding area within 1,000 feet for one hour after the closing of the shelter each morning to ensure that shelter residents are not congregating in the neighborhood.
 - b. Regularly patrol the area surrounding the shelter site during hours that the shelter is in operation to ensure that persons who have been denied access are not congregating in the neighborhood.
 4. *Contact information.* The operator shall provide information about how to contact the operator with questions or concerns regarding shelter operations. The contact information shall be posted on site where it is readily viewable by an employee, shelter inhabitant, or representative of a governmental agency.
 5. *Litter and graffiti.* The owner/operator shall:
 - a. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;
 - b. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises; and
 - c. Remove graffiti within 48 hours of written notice from the City.
 6. *Controlled access.* The facility and/or the premises shall be accessed by one entrance.
 7. *Supplemental services.* Supplemental services (e.g., food, counseling, access to other social programs, etc.) may be offered on the inside of the premises to serve only persons staying at the shelter.

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- 18.80.010 CC – Card Club Overlay Zone.**
 - 18.80.020 PD – Planned Development Overlay Zone.**
 - 18.80.030 SP – Specific Plan Zone.**
 - 18.80.040 BC – Bingo Club Overlay Zone**
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CHAPTER 18.80 SPECIAL ZONES

Special zones are intended to accommodate uses which present unique uses/facilities/services or for sites which have physical or operational characteristics not accommodated by the zones and applicable standards established under Chapters 18.40 through 18.70 of this Zoning Code.

18.80.010 CC – Card Club Overlay Zone.

- A. Purpose.** The Card Club (CC) overlay zone is intended to allow for the development of card clubs, bingo parlors, and similar gaming uses within the underlying General Commercial (C-4) zone. This overlay zone limits legal gaming facilities to this area and imposes specific development standards, not exclusive of other applicable non-residential development standards.
- B. Permitted Uses Site Plan Review and Approval.** Properties in the CC overlay zone are allowed to be developed with permitted uses for the underlying C-4 zone, as set forth in *Section 18.60.050 Uses Permitted in Non-Residential Zones*.
- C. Development Standards.** Gaming facilities within the CC overlay zone are subject to the development standards for the General Commercial zone contained in *Section 18.60.020 C-4 - General Commercial Zone, Chapter 18.70: Non-Residential Regulations, Chapter 18.90: Supplemental Regulations*, and other applicable standards for the General Commercial zone. Gaming facilities shall also comply with the following additional standards, and, to the extent the following standards conflict with other applicable standards, the following standards shall prevail.
 - 1. **Location.** Gaming facilities shall be allowed in the CC overlay zone on sites of 2 acres or more in size.
 - 2. **Accessory Buildings.** When a detached accessory building is constructed, provided, or added to a gaming facility, the accessory building shall be located no closer than 20 feet from either the main building on the same lot or another building on the adjoining lot or parcel. The placement of accessory buildings is subject to approval by the Community Development Director.
 - 3. **Parking.** Gaming facilities shall comply with the parking requirements set forth below:
 - a. Card Clubs = one parking space per 50 square feet of gaming floor area.
 - b. Bingo Parlors = one parking space for every 4 seats for bingo games.
 - c. Ancillary uses within the gaming facility (restaurant, lounge, hotel, etc.) shall meet applicable parking space requirements, as provided in *Section 18.70.010 Non-Residential Parking and Loading Requirements*.
 - d. The number of parking spaces provided shall be the equivalent of that required for new construction, regardless of the status of the legal nonconforming parking rights of the previous use.

CHAPTER 18.80: SPECIAL ZONES

4. *Landscape Setback.* A landscape setback with a minimum depth of 8 feet, consisting of landscape planting and screening, shall be provided along street rights-of-way abutting the project site.
5. *Fencing.* A 6-foot high block wall shall be provided if the site abuts residential, commercial, industrial, or public uses. Adjacent to street rights-of-way, a 6-foot high wall, made of any solid, decorative masonry material, including precast concrete block, stucco, brick or stone, wrought iron fencing, or a combination thereof, with a minimum transparency of 35%, shall be provided, subject to approval by the Community Development Director. No chain link fencing shall be permitted.
6. *Entry Sign.* The building entrance to a gaming facility shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are prohibited from entering the premises, except for dining areas, restrooms, and separate rooms for recreation or entertainment. This sign shall comply with the sign regulations of the City and *Section 18.90.050 Signs and Advertisements* of this Zoning Code.
7. *Building Design.* No tent structures shall be allowed. All building openings, entries, windows and other exterior areas shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
8. *Outdoor Storage.* Storage of merchandise, displays, equipment, devices or other items in open areas of the site for over 24 hours shall not be allowed, unless stored within an enclosed structure. No storage containers shall be allowed as a means for storing any type of goods or supplies.
9. *Lighting.* All areas of the gaming facility shall be illuminated at a minimum of one foot-candle, maintained and evenly distributed at ground level (excluding those areas shielded by tables and similar obstructions). Parking lot lighting shall illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of patrons and reducing the incidence of vandalism and theft. Such lighting shall comply with the standards set forth in *Section 18.70.090 Non-Residential Design Guidelines* of this Zoning Code.
10. Hours of Operation.
 - a. Card Clubs. A card club business may operate 24 hours a day, seven days a week, offering gambling as permitted by State law.
 - b. Bingo Halls. The hours of operation of bingo games shall be restricted to 10:00 a.m. to 12:00 a.m. on Sunday through Thursday; and 10:00 a.m. to 2:00 a.m. on Friday and Saturday.
11. *Amplified Sound.* No loudspeakers or sound equipment shall be used by a gaming facility for the amplification of sound to a level discernible by the public beyond the walls of the building or portion of the building in which such use is conducted or which violates City noise regulations.
12. *Age Requirement.* It is unlawful to permit patrons or employees under the age of 21 in a structure occupied by a gaming facility, except for dining areas, restrooms or rooms for recreation or entertainment.
13. *Alcoholic Beverage.* If the business has a license to serve alcoholic beverages, the permittee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverages Control.

D. Application Procedure.

1. *Site Plan Review.* New gaming facilities or expansion of existing gaming facilities are required to undergo a Site Plan Review in accordance with *Section 18.100.030 Site Plan Review* of this

- Zoning Code. An application for a Site Plan Review shall be filed with the Community Development Director on a prescribed form and shall include the necessary plans and other required information.
2. Before any Site Plan Review application for a gaming facility will be accepted by the Community Development Department, the applicant shall present either a card club license or a completed application for the intention of obtaining a card club license, pursuant to Chapter 5.92 Card Clubs of the Hawaiian Gardens Municipal Code.
 3. *Conditions of Approval.* A Site Plan Approval for a gaming facility shall include, at a minimum, the following conditions:
 - a. The building, structure, equipment, and location shall comply with the requirements and standards of health, zoning, fire and safety laws of the State and the City.
 - b. The business shall not employ persons under the age of 21.
 - c. The applicant shall permit representatives of the City and other public agencies to inspect the premises at any time it is occupied or open for business.
 - d. The use shall not be expanded without City approval.
 - e. The approved use shall not be partially or wholly converted to another use without City approval.
 - f. The use or facility shall be in operation within 1 year of issuance of the Site Plan Approval.
 - g. The card club license issued by the City has not been suspended or revoked.
 - h. There is a responsible adult on the premises to act as manager at all times during which the business is open.
 - i. All operations of the gaming facility shall comply with the business license standards, contained in Chapter 5 of the Hawaiian Gardens Municipal Code.

18.80.020 PD - Planned Development Overlay Zone.

- A. *Purpose.* The Planned Development (PD) overlay zone is intended to encourage and allow a creative approach to development through the comprehensive planning and development of large tracts of land. This zone provides flexibility in the pattern of development and in specific development standards by allowing a mix of densities, housing types, open space, common facilities, and other uses to encourage creative design.
- B. *Permitted Uses.* The PD overlay zone applies to an underlying Residential zone where permitted uses are set forth in *Section 18.40.070 Uses Permitted in Residential Zones*, and other uses specified in the Master Development Plan.
- C. *Development Standards.* Planned Developments within the PD overlay zone are subject to the approved Master Development Plan and the development standards outlined below.
 1. *Minimum Lot Size.* Planned developments shall have a minimum lot area of 1 acre within a single parcel or on contiguous parcels.
 2. *Open Space.* At least 15 percent of the site shall be dedicated as common open space and shall include parks, recreation facilities, greenbelts that are at least 20 feet wide, natural areas with at least 2,000 square feet, bikeways and/or pedestrian paths.

CHAPTER 18.80: SPECIAL ZONES

3. *Landscaping.* Landscaping covering at least 10 percent of the site shall be provided within setback areas, common areas, parkways, parking areas, and other open areas.
4. *Buffers.* A minimum 15-foot wide buffer shall be provided adjacent to residential properties, which shall incorporate decorative walls, and landscaping.
5. *Conflict.* Where a conflict with the development standards of the underlying Residential zone and the approved Master Development Plan occurs, the Master Development Plan shall control.
6. *Ownership.* The Planned Development shall remain under one ownership or under a unified ownership.
7. *Transfer of Ownership.* Transfer of ownership shall not change the allowed use of the property, as provided in the approved Master Development Plan.

D. Application Procedure.

1. *Conditional Use Permit.* Planned Developments or amendments to approved Planned Developments are required to obtain a Conditional Use Permit, in accordance with *Section 18.100.090 Conditional Use Permit* of this Zoning Code. An application for a Conditional Use Permit shall be filed with the Community Development Director on a prescribed form and shall include the necessary plans and other required information.

Subsequent Development. Within an approved Planned Development, proposed development, which conforms to the standards of the approved Master Development Plan for the site, will only require Site Plan Review and Approval by the Community Development Director

18.80.030 SP - Specific Plan Zone.

- A. *Purpose.* The Specific Plan (SP) zone allows for the development of a specific land use or a mix of land uses subject to the development standards and design guidelines outlined in the approved Specific Plan for the area. This zone provides flexibility in the development of sites which possess unique characteristics, such as size and dimensions of certain properties.
- B. *Specific Plan Consistency.* Specific Plans shall be consistent with the City of Hawaiian Gardens General Plan and California Government Code Section 65450 et seq. Specific Plans shall be adopted by ordinance by the City Council, following a recommendation by the Planning Commission.
- C. *Adopted Specific Plans.* The following Specific Plans have been approved by the City and are designated on the Zoning Map:
 1. **SP 00-41** - *Las Brisas- Hawaiian Avenue Specific Plan*, located at 21818, 21826, 21902 Hawaiian Avenue, just south of Carson Street.
 2. **SP 00-42** - *Las Brisas – 214th Street Specific Plan*, located at 12225, 12233, 12239 and 12247 214th Street, just east of Norwalk Boulevard.
- D. *Proposed Specific Plan.* While the area located south of 223rd Street, between Pioneer Boulevard and Devlin Avenue has been designated as a Specific Plan area, development in this area will continue to be regulated by the underlying R-2 zone until such time that a specific plan is developed and adopted for this area.
- E. *Approval Process.* *Section 18.100.110 Specific Plans* of this Zoning Code provides the permit and approval process for Specific Plans.

18.80.040 BC – Bingo Club Overlay Zone.

- A.** Purpose. The Bingo Club (BC) overlay zone is intended to allow for the development of bingo clubs within the underlying General Commercial (C-4) zone. This overlay zone limits legal bingo game facilities to this area and imposes specific development standards, not exclusive of other applicable non-residential development standards.
- B.** Conditionally Permitted uses and Approval. Properties in the BC overlay zone are allowed to be developed with permitted uses for the underlying C-4 zone, as set forth in Section 18.60.050 Uses Permitted in Non-Residential Zones, subject to an approved conditional use permit.
- C.** Development Standards. Bingo Club facilities within the BC overlay zone are subject to the development standards for the General Commercial zone contained in Section 18.60.020 C-4 – General Commercial Zone, Chapter 18.70: Non-Residential Regulations, Chapter 18.90: Supplemental Regulations, and applicable conditions of approval required under a conditional use permit. Bingo Club facilities shall also comply with all regulatory requirements contained in Chapter 5.42, BINGO GAMES and, to the extent the above referenced applicable development standards conflict with any conditions of approval required under a conditional use permit, the conditions of approval shall prevail.
1. Location. Bingo Games shall only be allowed in the BC overlay zone and on sites of two (2) acres or more in size.
 2. Parking. Bingo Parlors - one parking space for every 2 seats.

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CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

18.90.010	Satellite Dishes and Other Antennas.
18.90.020	Solar Energy and Solar Access.
18.90.030	Utilities and Infrastructure.
18.90.040	Animal Keeping and Household Pets.
18.90.050	Signs and Advertising Requirements
18.90.060	Condominiums and Condominium Conversions.
18.90.070	Density Bonuses
18.90.080	Accessory Dwelling Units.
18.90.090	Granny Units.
18.90.100	Guest House.
18.90.110	Accessory Uses and Structures.
18.90.120	Vision Clearance Area
18.90.130	Outdoor Dining
18.90.140	Child Day Care Facilities and Centers
18.90.150	Garage and Yard Sale
18.90.160	Multipule Tenant Occupancies

CHAPTER 18.90 SUPPLEMENTAL REGULATIONS

18.90.010 Satellite Dishes and Other Antennas.

This Section regulates the location and design of satellite dishes, antennas, wireless communication systems and their associated equipment.

- A. Exemptions.** Common skeletal type radio and television antenna used to receive (not transmit) UHF, VHF, AM and FM signals of off-air broadcasts from radio and television stations, are exempt from the requirements of this Chapter. Satellite dishes measuring less than 24 inches in diameter are permitted only in side or rear yard setbacks.
- B. Location.** All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard. All ground-mounted antennas shall be required to maintain their supporting structures at least five feet from any property line and ten feet from any other structure. No antenna shall be roof-mounted, unless mounted on a flat roof structure in a commercial or industrial zone with parapets and/or architecturally matching screening plan.
- C. Antenna Height.** No antenna shall be higher than thirty (30) feet above grade level, except satellite antennas greater than 24 inches in diameter shall not exceed fifteen (15) feet in height or eight (8) feet in diameter.
- D. Number.** No more than two antennas, monopoles, or satellite dishes may be located within any one residential lot, where such use or structure is allowed, including exempt antennas.
- E. Standards.** Antennas shall be installed and maintained in compliance with the requirements of the Building Code. Antenna installers shall obtain a building permit prior to installation and comply with the following regulations:

 - 1. No advertising material shall be allowed on any antenna.
 - 2. All electrical wiring associated with any antenna shall be buried underground.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

3. No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.
 4. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish or reflective.
 5. Every antenna shall be adequately grounded, for protection against a direct strike of lightning, with adequate grounding rods. Grounding rods shall be of the type approved by the latest edition of the Electrical Code for grounding masts and lightning arrestors and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two inches from combustible materials. Lightning arrestors shall be used that are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line shall be adequately protected with proper arrestors to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors shall be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.
 6. A wind velocity test shall be required, if deemed necessary by the Building Official.
 7. Ground-mounted satellite dish antennas shall be screened from view, including views from adjacent yards, by landscaping or decorative structures (trellis, arbor, fence, etc.). The satellite dish shall be a single color that blends with its surroundings.
- F. Cellular Towers.** All cellular towers and antennas are required to be disguised as to blend with the surrounding area and camouflaged. An example of a common disguise would be a tree or flagpole.
- G. Site Plan Review.** All non-exempt antennas shall require a Site Plan Review and Approval, in accordance with *Section 18.100.030, Site Plan Review* subject to the imposition of reasonable conditions to protect the applicant and the public health and safety. Reasonable conditions shall include, but not be limited to, fencing, color, screening, landscaping, disguising, warning signs, or other like conditions. Any commercial application of antennas, satellite dishes, or cellular towers is subject to approval of a Conditional Use Permit, in accordance with *Section 18.100.090, Conditional Use Permit*.
- H. Interference.** All antennas, satellite dishes, and cellular or any wireless communication systems shall not create any inference with any property in the City or interfere with the City's communication system or the public safety radio system.

18.90.020 Solar Energy and Solar Access.

Solar access is essential for effectiveness of solar radiation by active and passive solar systems. Solar access protection means protecting southerly roofs, walls and yards of new and existing buildings from shading by adjacent buildings and trees.

- A. Standards.** New developments proposing the use of solar energy systems or located adjacent to properties with existing solar energy systems shall obtain a Minor Use Permit as outlined in Section 18.100.050, Minor Use Permit and shall comply with the following standards:
1. Developments proposing the use of solar apparatus shall obtain solar easements from adjacent properties. The easement shall give the owner of the solar energy system limited rights over nearby property through a covenant in new developments.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

2. Solar access easements or agreements commit adjoining lot owners to provide solar access to a parcel by precluding fences and vegetation from blocking solar access for the maximum areas of shadow cast between 9 a.m. and 3 p.m. These agreements are subject to approval by the Community Development Department and recorded as part of the affected properties.
3. Solar apparatus require approval by the Fire Department, a building permit for conformance to structural design and loading, and an electrical permit or boiler permit if appropriate.
4. Floor area of solar greenhouse and heat traps count toward maximum lot coverage.
5. New development near properties with a solar apparatus shall be reviewed to ensure that solar access is not affected.

18.90.030 Utilities and Infrastructure.

A. *Utility and Infrastructure Facilities.* The construction, installation, operation and maintenance of infrastructure on a public right-of-way are not subject to the provisions of this Zoning Code, provided that an encroachment permit is obtained from the City prior to commencement of construction activities. Utility structures and equipment that are located on individual lots as a primary or secondary use on the lot are subject to the standards of the underlying zone and the applicable regulations in this Zoning Code.

B. *Underground Utilities.* The following requirements shall apply to new construction only:

1. The developer is responsible for utility service connections, in coordination with the utility company.
2. All electrical distribution lines, telephone, cable television, and similar wires which provide customer services shall be installed underground except for:
 - a. Utility poles within 6 feet of the rear lot line used for terminating underground facilities
 - b. Temporary utilities during construction
 - c. Risers and poles provided by the developer or owner
 - d. Meter boxes, terminal boxes and similar equipment
 - e. Transformers, provided they are located in vaults

C. *Street Improvements.*

1. No new construction, renovation or expansion shall be approved until half of the street along the entire lot frontage is dedicated and improved according to City standards. For development on a portion of a lot, dedication and improvement shall apply only to abutting streets of that portion of the lot. A bond may be placed in lieu of improvements until the Community Development Director deems it practical to construct the improvements.
2. The maximum area to be required for dedication shall not exceed 25 percent of the total lot area.
3. Additional street improvements shall not be required when the abutting street is already improved in accordance with City standards.
4. A deed granting an easement for a public street shall be submitted to the City Engineer prior to approval of the permit issued in compliance with this Zoning Code.
5. Improvements shall include curb and gutter, sidewalks and landscaped parkway.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

6. Dedication shall include corner cutoff area at intersections.
7. The property owner shall maintain sidewalks and parkways along the property frontage.

18.90.040 Animal Keeping and Household Pets.

- A. Animal Keeping.** The keeping of animals on a lot shall be for personal use of the residents of the property only, not to include any activities beyond that necessary to continue the residents' personal use. This may include limited breeding and boarding activities of a non-compensatory nature, such as for other family members' personal use.
- B. Household Pets.**
1. No more than three dogs and three cats per household plus any unweaned litter from such pets not over six months old, parrots, canaries, and other house birds of a similar nature shall be allowed. In addition, no more than five animals may be kept as household pets, including but not limited to the following: rabbits, hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chinchillas, hawks, marmoset monkeys, squirrel monkeys, chipmunks, chameleons, kangaroo rats, no more than three non-poisonous reptiles less than six feet long, toads, lizards, spiders, or other animals of a similar nature as determined by the Community Development Director. Such animals shall be kept in a way so as not to create a threat to the health, safety and welfare of the residents of the household or the general public.
 2. The following animals are prohibited in all zones: chickens, roosters or any poisonous or dangerous animals.
 3. Any animal that causes excessive noise, odor or other disturbing elements detrimental to the use of surrounding property shall not be permitted in any zone.

18.90.050 Signs and Advertising Requirements.

The purpose of this Section is to regulate the number, size, height, and placement of signs within the City. These regulations intend to encourage quality design for signs, so as to create an attractive and harmonious community and business environment, while providing businesses with the adequate means to advertise their products and/or services.

- A. General Requirements.**
1. All new permanent signs require sign permits, unless specifically exempt under Subsection B below. The Community Development Director shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this Section and relevant Chapters and Titles of the Hawaiian Gardens Municipal Code.
 2. All signs shall conform to Chapter 15.04 of the Hawaiian Gardens Municipal Code and, where appropriate, shall conform to the current National Electrical Code and the National Electrical Safety Code.
 3. It shall be unlawful for any person to erect, re-erect, construct, enlarge, display, change copy, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the Community Development Director. This shall not be construed to require an additional permit for the change of copy for a changeable copy sign provided that the structure and sign comply with the provisions of this Title.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

4. A permit shall be required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign(s) erected on the structure shall have a separate permit.
5. All elements of a sign (sign face, supports, poles, and lights) shall be maintained in good and safe structural condition, including the replacement of missing or defective parts, painting, repainting, cleaning, of other acts required for maintenance of the sign. This shall not be construed to require an additional permit to repaint, clean, or otherwise perform normal maintenance or repair of a permitted sign or sign structure.
6. The Community Development Director shall have the authority to classify an existing sign or one proposed for erection, in accordance with the provision of this Section. Any sign that does not clearly fall within one classification shall be placed in a classification which the sign, in view of its design, location and purpose, most nearly approximates.

B. Exempt Signs. The following signs do not require a permit for installation. All other provisions of this chapter apply.

1. Temporary political signs (subject to Chapter 5.90 Political Signs of the Hawaiian Gardens Municipal Code);
2. Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;
3. Seasonal holiday decorations, not including any form of advertising or the name of a business and provided they are removed following the close of the holiday period;
4. Parking lot painting of handicap symbols, striping, numbers, and notations of compact spaces;
5. Signs on product dispensers permitted outside of a business. These signs may include signs on gas pumps;
6. Professional nameplates not exceeding 2 square feet in area;
7. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, that are an integral part of the building structure or are attached flat to the face of the building, that are non-illuminated, and that do not exceed 4 square feet in surface area;
8. Signs of the State, City or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or signs identifying programs such as the Adopt-A-Road Litter Control Program, etc.;
9. Address numbers or signs depicting a family name, such as “Smith’s Residence”;
10. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes;
11. Building addresses with numbers and letters not more than 10 inches in height;
12. Signs not oriented toward or intended to be legible from a right-of-way, other property, or from the air. Examples may include signs identifying rules for a swimming pool, signs identifying restroom facilities, and tow-away signs;
13. Directional and parking lot signs with a maximum area of 2 square feet and maximum height of 4 feet, limited to one sign per driveway;
14. Signs affected by stipulated judgments to which the City is a party, entered by courts of competent jurisdiction;

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

15. Flags and commercial flags no larger than 24 square feet each and not exceeding 3 in number;
16. Locally designated historic signs;
17. Real estate signs, if less than 12 square feet in area within residential zones and 16 square feet within nonresidential zones and a maximum of two signs per lot;
18. Incidental signs such as credit card, trading stamp, trade association, service station, or similar signs not exceeding 1 square foot
19. Banners and signs for City-sponsored events, holidays, and other special occasions.

C. *Prohibited Signs.* The following signs shall not be permitted in any zone:

1. Signs that pose a hazard to public health or safety, as determined by the Uniform Building Code;
2. Signs that make use of words such as “Stop,” “Look,” “One-Way,” “Danger,” “Yield,” “Slow, Children At Play,” “Detour”, “Road Construction” or any similar word, phrase, symbol, or light so as to interfere or be confused with pedestrian or vehicular public safety signs as identified in the American Association of State Highway and Transportation Officials (AASHTO) Manual;
3. Signs displaying obscenity, as per Chapter 5.44 of the Hawaiian Gardens Municipal Code;
4. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;
5. Signs attached to or placed on any stationary vehicle or trailer, whether operational or not, so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. Signs which are painted or attached to vehicles shall be incidental to the vehicle’s primary purpose of transporting people or goods on the public right-of-way and the vehicle may not be used for primarily advertising purposes. Signs on vehicles may not include arrows or other directional devices, the purpose of which is to direct those who observe such signs to a particular place of business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction;
6. Off-premise signs, ;
7. Rotating and revolving signs;
8. Animated signs;
9. Flashing lights, flashing signs or signs containing strobe lights that are visible beyond the property line;
10. Abandoned signs;
11. Roof-mounted signs;
12. Permanent signs on undeveloped sites, except for subdivision signs;
13. Outdoor, portable electric signs;
14. Mobile readerboard signs except as a temporary sign in accordance with Subsection J below;
15. Signs on utility, traffic and light poles;
16. Signs on the sign posts of traffic advisory signs such as “curve ahead”, “crosswalk”, or “road narrows”;

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

17. Grand opening displays and other displays of a carnival nature including: blinking or flashing lights, balloons, searchlights, flares, clusters of flags, strings of twirlers or propellers and seasonal decorations except as permitted as a temporary sign in accordance with Subsection J below;
18. Banners, except as approved as temporary signs in accordance with Subsection J below;
19. Balloons, except as approved as temporary signs in accordance with Subsection J below;
20. Changing message center signs, where the message changes more frequently than every five seconds, except for the display of time and temperature;
21. Signs connected to visible overhead power lines;
22. Signs with bare light bulbs of over 15 watts that are visible from the front of the sign or from beyond the property line;
23. Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this Section and other applicable City ordinances;
24. Signs painted directly on any surface or building structure;
25. Signs that project more than 12 inches from a wall;
26. Signs that cover more than 25 percent of a window.
27. Signs mounted on raceways.
28. Signs in residential zones.
29. A-board signs and sandwich board signs.
30. Billboard signs

D. Sign Standards. The standards below apply to any advertising display or sign which is maintained, erected, constructed, posted, painted, printed, tacked, nailed glued, stuck, carved, fastened or affixed to the ground, tree, bush, rock, fence, posts, wall, building, structure or thing or making a sign visible.

1. *Premise Identification.*
 - a. All buildings, including residential structures, shall be identified by street address numbers. All street addresses shall be in English lettering and numbering.
 - b. Business names shall be provided and clearly visible from the adjacent public right-of-way. These signs shall use the Roman alphabet or provide alternate identification in English.
2. *Sign Design.*
 - a. Sign colors and materials should be selected to be compatible with the existing or proposed building design and should contribute to legibility and design integrity. Except for temporary signs, sign materials shall consist of materials which can withstand natural elements over time. These do not include paper, cardboard, or fabric.
 - b. Lettering shall be restricted to the sign area, with no projections above or below the sign area.
 - c. All exterior signs shall be permanently affixed to a building or permitted sign support and shall not be portable in nature, unless specifically permitted as part of a temporary sign.
 - d. No sign shall be constructed so that any bare light bulb over 15 watts is visible from the sign or from beyond the property line.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- e. No sign shall be constructed so that electrical channels, cabinets, boxes, raceways, wires, and similar items are exposed to view. Signs with electrical raceways that are designed to be an integral part of the overall sign design and where the raceways are not visually prominent may be allowed subject to the approval of the Community Development Director.
3. *Sign Location.*
 - a. All signs shall be erected on the premises or property occupied by the person or business identified by the sign.
 - b. Freestanding signs shall be located in a landscaped area or planter base.
 - c. No freestanding sign shall be located within 100 feet of another freestanding sign on the same premises.
 - d. Signs shall not be located where it may obstruct the use of a door, window or fire escape of any building or free passage over any public right-of-way.
 - e. Signs located on awnings shall only be placed on the valance portion of the awning. Signs shall not be placed on the shed portion of the awning.
 4. *Sign Lighting.*
 - a. No illuminated signs are allowed in Residential zones.
 - b. Lighting for signs shall not result in glare being directed toward surrounding properties.
 - c. Exterior lighting directed at a sign shall be shielded to ensure that light is projected only upon the sign.
 - d. No sign shall be connected to a power line.
 - e. Internally illuminated cabinet-type signs with translucent panels are not allowed in the C-2, (Downtown Commercial) Zone. Internally illuminated signs may be used if the panels are opaque so that only the sign's lettering and logo appear as illuminated.
 5. *Placement within right-of-way.*
 - a. No sign shall be placed on public property or within any public right-of-way, without specific written permission from the City.
 - b. Traffic control, open house signs, and real estate directional arrow signs may be placed in the right-of-way but outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs, and shall not block vision clearance areas.
 6. *Sign Maintenance.* Every sign shall be properly maintained and kept in good repair.
 - a. Signs, sign frames, and sign supports shall be kept clean, neatly painted and free from rust, corrosion, and graffiti.
 - b. Defective parts shall be replaced and cracks, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portions of a sign shall be repaired or replaced within 30 calendar days following notification by the City.
 - c. Upon closure of a business or vacation of premises, all applicable signs shall be removed within 1 month. Canister sign frames may be left with a blank face, provided internal lighting and mounting are not visible from the public right-of-way or the underlying facade surface shall be patched and repainted to match the building façade. Upon the removal of any

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

wall sign, the building façade shall be repaired and repainted to match existing façade in one uniform color.

7. *Vehicle Area Clearances.* When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.
8. *Pedestrian Area Clearances.* When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground. Exceptions are prohibited.
9. *Fence.* No sign shall be used as a fence nor shall any fence be used as a sign nor shall any sign be attached to a fence.
10. *Sound.* No public address system or sound devices shall be used in conjunction with any sign or advertising device.
11. *Signs on Residential Lots.* Signs on residential lots shall be limited to address, building identification, sales and rental of property, public information, and temporary political campaign signs, including exempt signs in Subsection B of this Section.

E. Pole Signs. The following standards shall regulate pole signs:

POLE SIGN STANDARDS	
Location	Parallel to the building. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.
Maximum number and spacing	Not more than 1 pole sign for each lot or parcel of land or development.
Maximum Size	Not more than 1 square foot of sign area for each lineal foot of primary street frontage. The size may be increased by not more than 1 square foot of sign area for each lineal foot that the sign is set back from the nearest property line, up to a maximum sign area of 200 square feet. A second pole sign may be allowed on projects bigger than 4 acres and the poles are separated at least 300 feet.
Maximum Height	30 feet
Landscape and Siting	Pole signs shall be located in a planting bed of equal area to the area of the sign, but not less than 100 square feet. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. One-gallon groundcover planted 6-inches on center; and One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be not taller than 36 inches.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

F. Monument Signs. The following standards shall regulate monument signs. Monument signs may be provided in lieu of pole signs unless in compliance with the following:

MONUMENT SIGN STANDARDS	
Maximum number and spacing	One monument sign is permitted per primary street frontage; one additional monument sign is permitted for each additional 300 feet of primary street frontage. Multiple monument signs shall be a minimum of 250 feet apart along one or more street frontages.
Maximum Size	A minimum of 32 square feet plus one square foot per lineal foot of primary street frontage up to a maximum sign area of 50 square feet.
Maximum Height	4 feet
Landscape and Siting	Monument signs shall be located in a planting bed of equal area to the area of the sign, but not less than 100 square feet. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. One-gallon groundcover planted 6-inches on center; and One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be no taller than 36 inches.
Illumination	Internal illumination and illumination from an indirect source

G. Signs Attached To Buildings. Awning, fascia, graphic, marquee, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

STANDARDS FOR SIGNS ATTACHED TO BUILDINGS	
Location	Parallel with and attached to the exterior wall of the building. Not allowed to extend above the top of the parapet of the wall.
Maximum number	One wall sign per building face on the street frontage. Additional wall signs may be allowed for buildings that have frontage on more than one publicly dedicated street or parking lot, with the maximum size allowed at half the sign area of the primary sign.
Maximum Size	Two (2) square feet for each linear foot of the building that fronts on a public dedicated street or public access area. Maximum 100 square feet per business.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

STANDARDS FOR SIGNS ATTACHED TO BUILDINGS	
Maximum Height	Signs are subject to the maximum building height for the underlying zone.
Landscape and Siting	Designed to appear as an architectural and integral part of the building to which it is attached.
Sign thickness	Wall signs shall not exceed 12 inches in thickness or project more than 12 inches from the wall.
Illumination	Internal illumination and illumination from an indirect source

H. Directional Signs. The following standards shall regulate directional signs:

DIRECTIONAL SIGN STANDARDS	
Maximum number and spacing	One per directional access from a primary street frontage plus one additional directional sign per business.
Maximum Size	6 square feet of total area
Maximum Height	42 inches
Landscape and Siting	None

I. Window Signs. The following standards shall regulate window signs:

WINDOW SIGN STANDARDS	
Maximum number and spacing	One sign per window
Maximum Size	25% of window area
Maximum Height	None
Landscape and Siting	None

J. Temporary Signs. The following standards shall regulate temporary signs:

1. A Temporary Sign Permit shall be obtained from the Community Development Director, as outlined in *Section 18.100.080, Temporary Use Permit* of this Zoning Code, prior to the installation of any temporary sign.
2. Temporary signs are not allowed for ongoing advertising of products or services or for the naming of a business in lieu of a permitted permanent sign.
3. No flashing temporary signs of any type shall be permitted. However, internally illuminated signs, such as portable reader boards, shall be permitted provided that they conform to the current National Electrical Code and the National Electrical Safety Code;
4. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.
5. No temporary sign shall project over or into a public right-of-way or public property, except for properly authorized banners over streets installed by the City of Hawaiian Gardens.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

6. The duration of display for the following temporary signs shall be as follows:

TIME LIMITS FOR TEMPORARY SIGNS	
Type of Sign	Maximum Time Period Per Year
Banners	60 days per calendar year and limited to 4 times per calendar year ⁴
Construction signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed sixteen (16) square feet in area	30 days after the certificate of occupancy is issued for the last structure
Garage, yard, porch, and patio sale signs	7 a.m. of first day to 5 p.m. of last day for 3 consecutive days and no more than 4 times per year
Grand opening displays including: posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature	30 consecutive days and no more than 60 days per year
Lawn signs	30 days
Liquidation signs	7 days
Off-premise real estate signs	Daily, but may only be posted during the hours of 8 a.m. and 6 p.m.
Open house signs	3 days
Real estate signs	30 days after the date when the property is sold or no longer offered for sale
Rooftop balloon signs with a vertical dimension not greater than 25 feet	7 days per calendar year per business
Subdivision signs	30 days after the final certificate of occupancy has been issued
Temporary business identification sign for use by a business actively in the process of obtaining permits for a permanent sign	60 days

7. Unless specifically stated in the sign permit, the duration of display of all other temporary signs shall not exceed 90 days during any 12-month period.
8. Temporary banners, flags and pennants shall be kept in good condition while on display or they shall be removed from the premises.
9. Temporary signs shall be removed within 3 days after its use or permitted use, whichever is earlier.

K. Signs Requiring Conditional Use Permits. A Conditional Use Permit is required for the following signs:

1. Master Sign Program.
2. Signs not regulated pursuant to *Section 18.90.050 B to J* of this Zoning Code.
3. Murals or graphic designs.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

4. Electronic reader boards.
5. Marquee Signs.
6. Signs in new shopping centers to be approved under one Master Sign Program.
7. Hot air balloons, inflatable statuary and similar three-dimensional airborne structures.
8. Restaurant Drive-Thru menu boards

L. Nonconforming Signs. A sign which exists prior to the adoption of these zoning regulations but which fails to conform to the provisions of this Section shall be considered nonconforming, and subject to the provisions of *Section 18.100.130 Nonconforming Structures and Uses*.

M. Removal of Signs.

1. *Dangerous Signs.* All signs and sign structures which do not meet the structural requirements specified in the Uniform Building Code, which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public or create a traffic hazard, shall be discontinued or corrected to conform within the time the Community Development Director may specify.
 - a. If any sign is found to be insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within 5 working days after receiving notification from the City.
 - b. For damaged signs, it shall be the duty of the owner and/or occupant to repair or remove the sign within 15 days.
 - c. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the Building Official may have the dangerous sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.
2. *Abandoned Nonconforming Signs.* Any person who owns or leases a nonconforming sign shall remove such sign when the sign has been abandoned, under the following conditions:
 - a. The property owner shall be responsible for removing signs within 5 days after vacation of the site by the tenant.
 - b. If the person who owns or leases such sign fails to remove it as provided in this section, the Building Official shall give the owner of the building, structure, or premises upon which such sign is located, 30 days written notice to remove it;
 - c. If the sign has not been removed at the expiration of the 30-day notice, the Building Official may remove such sign at cost to the owner of the building, structure, or premises; and
 - d. Costs incurred by the City of Hawaiian Gardens due to removal, shall be made a lien against the land or premises on which such sign is located, after notice and hearing, and shall be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.
3. *Nonconforming Signs.* Removal of other nonconforming signs are subject to *Section 18.100.130 Nonconforming Uses and Structures* of this Zoning Code.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

18.90.060 Condominiums and Condominium Conversions.

- A. Purpose.** The purposes of this Section are to provide a balance of rental and ownership housing within the City and a variety of choices in tenure, type, price, and location of housing and to provide a means of achieving a stable and desirable environment for condominium uses. The standards in this chapter also seek to prevent potentially deleterious effects due to poor design, mismanagement, and neglect of condominium projects.
- B. Permitted Use.** Condominiums are allowed in certain zones in the City, as outlined in *Section 18.40.070 Uses Permitted in Residential Zones* and *Section 18.60.050 Uses Permitted in Non-Residential Zones*.
- C. Site Plan Review and CUP Required.** Condominiums require a Conditional Use Permit, as outlined in *Section 18.100.090 Conditional Use Permit* of this Zoning Code.
- D. Alterations.** Except for interior modifications and incidental maintenance, no structural or architectural alterations shall be made to a condominium or its common areas, unless site plan review and approval from the Community Development Director is obtained.
- E. Applications.** Applications for condominium projects or alterations shall follow the procedures outlined in *Section 18.100.020 Administrative Procedures*. In addition to the required drawings and information, the applicant shall provide the following:
1. Typical detailed sections of the type of wall and floor and ceiling construction that will be used in both common and interior partition walls within the project, with the sound transmission class and impact insulation class of the proposed type of construction.
 2. The proposed condominium documents, including the declaration of covenants, conditions, and restrictions.
 3. The description of the project elements and tentative condominium plans that would apply to the conveyance of the units, assignment of parking and management of common areas.
 4. Any other information that the Community Development Department determines is necessary to evaluate the proposed project.
- F. Development Standards.** Condominium projects shall comply with the regulations outlined in *Chapter 18.50 Residential Regulations* and the following development standards: Where the standard below conflict with those in Chapter 18.50 of this Zoning Code, the more restrictive standard shall apply.
1. Minimum lot size shall be 7,500 square feet and maximum density shall be regulated as allowed under the lot's zone designation.
 2. Building height shall not exceed 35 feet.
 3. Minimum floor area for dwelling units shall be as follows:
 - a. One bedroom – 750 square feet
 - b. Two bedroom – 950 square feet
 - c. Three bedroom – 1,200 square feet
 - d. Over three bedrooms – 150 square feet for each additional bedroom
 - e. Floor area excludes garages, open entries, porches, patios, or basements.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

4. Maximum allowable floor area per unit shall be 1,500 square feet.
5. Each unit shall be provided with a laundry area.
6. A utility area for maintenance tools shall be provided at 5 square feet per unit and no less than 75 square feet in total floor area.
7. Minimum distance between buildings shall be 10 feet, but where the open space between building is provided with an exit or entry, the minimum distance shall be 15 feet.
8. Buildings facing each other front to front shall have a minimum distance of 25 feet, except buildings facing each other and arranged around an interior court with a driveway shall have a minimum distance of 35 feet.
9. The front yard setback of the parcel shall be at least 20 feet in depth.
10. The side yard setback shall be 10% of lot area, with a minimum of 5 feet and a maximum of 7 feet.
11. The rear yard setback shall be at least 15 feet in depth.
12. A 6-foot high masonry wall shall be provided along the rear and side lot lines.
13. Accessory buildings and garages may be constructed in the rear yard. If a building wall abuts the rear lot line, there shall be no opening in the wall; the wall shall be constructed of one-hour fire resistance materials and all roof drainage shall be directed into the property.
14. At least 500 square feet of open space per unit shall be provided. This includes 250 square feet of common useable open space to be provided for each dwelling unit, exclusive of front, rear, and side yards, parking areas and driveways. At least 150 square feet of private useable open space shall be immediately accessible to the dwelling unit and shall have a minimum dimension of 6 feet. Useable open space shall include balconies, roof decks, patios, swimming pools, open cabanas, children's playgrounds and recreation rooms. Useable open space shall not include parking areas, driveways, loading zones, storage areas, and areas not accessible to the residents. In addition, at least 100 square feet per unit shall be provided as landscaped passive open space, consisting of landscaped yard setbacks, planter areas, berms, and other planted areas.
15. Open areas not covered by concrete, asphalt, or buildings shall be landscaped with plant materials and provided and maintained with an adequate irrigation system. Yards for games may be surfaced with AC paving or concrete.
16. No parking spaces shall be allowed in the front yard setback. Parking and loading requirements for condominiums shall follow those for multi-family residential uses, as outlined in *Section 18.50.010 Parking and Loading Requirements*.
17. Insulation of vibration and noise shall be provided in units having common walls and/or floor ceilings through the following:
 - a. All permanent mechanical equipment such as motors, compressors, pumps, and compactors which may be a source of vibration or structure-borne noise, shall be shock-mounted with inertia blocks or bases and/or vibration isolators, as approved by the building official.
 - b. Appliances which are cabinet installed or built into individual units, such as clothes washers, dryers and other appliances which may be a source of vibration or structure-borne noise shall be isolated from cabinets and the floor or ceiling by resilient gaskets and vibration mounts, as approved by the building official.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- c. Cabinets which are installed shall be offset from the back wall with strip gasketing of felt, cork or similar material, as approved by the building official.
- d. Where appliances utilize water, flexible connectors shall be installed on all water lines.
- e. If provisions are made within the units for the installation of non-permanent appliances, such as clothes washers and dryers, permanent rubber mounting bases and surface plates shall be installed, as approved by the building official.
- f. No plumbing fixtures shall be located on a common wall between two separate units where it would back up to a living room, family room, dining room, den, or bedroom of an adjoining unit. Where practical, plumbing fixtures shall be located on interior walls within the unit or the exterior walls of the development.
- g. No common water supply lines, vents or drain lines shall be permitted for contiguous units unless there is at least 8 ½ feet of pipe between the closest plumbing fixtures within the separate units.
- h. All water supply lines within the project shall be isolated from wood or metal framing with pipe isolators, as approved by the building official.
- i. For multi-story projects, all vertical drain pipes shall be surrounded by ¾ inch thick dense insulation board or full, thick fiberglass or wool blanket insulation along its entire length, excluding sections that pass through wood or metal framing.
- j. The building official may approve other methods of isolation of sound transmission through plumbing lines where their effectiveness can be demonstrated.

18. Condominium projects shall comply with other applicable regulations in *Chapters 18.90 Supplemental Regulations* of this Zoning Code.

G. Condominium Conversions. The mix of individual ownership of separate dwelling units within traditional apartment type structures together with ownership in common areas creates special problems impacting the public health, safety and welfare, which are magnified by the conversion of existing multi-family rental housing structures to residential condominiums, community apartment projects or stock cooperatives. To mitigate foreseeable problems, the City considers converted condominiums, community apartment projects and stock cooperatives differently from other multi-family dwelling projects, and establishes rules and standards regulating converted condominiums, community apartment projects or stock cooperatives in the City. The regulations for condominium conversions seek to accomplish the following objectives:

- To prevent a substantial decline in the amount of multi-family rental housing within the City and thereby retain an adequate supply of rental housing to serve the housing needs of the community;
 - To facilitate home ownership by recognizing that condominium conversions can help meet the demand for affordable housing;
 - To insure that tenants have been afforded adequate notification of possible conversions;
 - To mitigate any hardship to tenants caused by their displacement; and
 - To protect prospective condominium purchasers by setting standards for the physical condition of the units and the common areas.
1. *Applicability.* The provisions below shall apply to conversions of rental housing to condominiums, community apartments, or stock cooperatives, notwithstanding any other provision of this Zoning Code. Except as otherwise provided, condominium conversions shall

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

occur only in accordance with the procedures established by this Section. This Section does not apply to the creation by new construction of condominiums, community apartment projects, or stock cooperatives, as regulated by the standards above.

If a proposed condominium conversion project has dwelling units in excess of the allowable density or cannot meet all development standards for condominiums, at least 33% of the units may be reserved for low and moderate income households and the project allowed under *Section 18.90.070 Density Bonus* and this Section, provided all other applicable regulations are met.

2. *Development Standards.* Condominium conversions shall comply with the applicable development standards and requirements of the zone in which it is located and the applicable provisions of the Subdivision Code. In addition, the following standards shall be complied with:
 - a. *Meters and Control Valves.* Gas and electricity shall be separately metered for each unit.
 - b. *Laundry Facilities.* Each unit shall be plumbed and wired for laundry facilities.
 - c. *Smoke Detectors.* Each unit shall be provided with approved smoke detectors.
 - d. *Condition of Equipment and Appliance within Units.* The applicant shall supply a written certification to the buyer of each unit on the initial sale of the converted unit to the effect that every dishwasher, garbage disposal, stove, refrigerator, hot water tank, air conditioner, and other equipment and appliances included within the unit are in good working condition.
 - e. *Fire Walls.* Fire walls shall meet existing Building Code standards for the type of housing occupancy for which the buildings were originally constructed.
3. *Comparative Standards.* In cases where there are condominium conversion applications pending for more units than would be permitted under the applicable zone, the City may weigh applications by additional development standards such as:
 - a. *Sound Impact Insulation:* Projects with sound impact insulation in accordance with current City standards shall have preference.
 - b. *Location of Project:* The location of the project relative to the housing needs of the community and the promotion of infill growth.
 - c. *Storage Space:* Additional private storage space per unit, not including customary closets and cupboards.
 - d. *Miscellaneous:* Adequacy of site, additional parking, common area facilities, energy conservation features, availability of and market demand for both rental and ownership units, and similar considerations.
4. *Tenant and Buyer Protection.*
 - a. *Tenant Notification.* At least 60 days prior to filing of an application for conversion of rental or lease property, the applicant shall give notice of such filing in the form set forth in Section 66452.9 of the State Subdivision Map Act to each tenant of the subject property. Further, if the conversion is approved, the applicant shall give tenants a minimum of 180 days advance notice of the termination of their tenancy.
 - b. *Tenant Release.* The filing of a tentative map and/or application for a condominium conversion, and notice to the tenants thereof, shall operate to release any tenant desiring to

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- move before the expiration of his lease from any durational requirements other than 30 days written notice to the landlord.
- c. *Prospective Tenants.* Any person who rents or leases a unit at least 60 days prior to filing of the conversion application or later, shall be informed in writing at the outset of his tenancy of the proposed conversion of the project and the fact that he is not eligible for the tenant protections provided by this Ordinance for “existing tenants.”
 - d. *Use of Common Facilities.* Existing tenants shall retain all privileges relating to the use of the pools, jacuzzis, saunas, laundry facilities, and other common facilities, in accordance with the terms of their existing leases or rental agreements.
 - e. *Unjust Eviction.* Existing tenants shall not be subject to unjust eviction, for other than one or more of the following reasons:
 - The tenant has failed to pay the rent to which the landlord is entitled;
 - The tenant has violated an obligation or covenant of the tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after receiving written notice thereof from the landlord;
 - The tenant is committing or permitting to exist a nuisance in or is causing damage to the rental unit or to the appurtenance thereof, or to the common areas of the property containing the rental unit, or is creating an unreasonable interference with the comfort, safety, or enjoyment of any of the other residents of the same or any adjacent building;
 - The tenant is using or permitting a rental unit to be used for any illegal purpose.
 - f. *Unreasonable Rent Increase.* Existing tenants shall not be subject to increases in rent that substantially exceed the Urban Consumers housing component of the Consumer Price Index on an annualized basis for this region, and which cannot otherwise be justified by costs of physical improvements to the building or site, repairs for damage, taxes, or other expenses attributable to the operation of the building or by changes in the market demand for rental housing.
 - g. *Tenant Purchase Option.* Existing tenants of the proposed condominium conversion project shall be given preemptive right to purchase a unit or a right of exclusive occupancy upon more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. This exclusive right to purchase shall run for a period of not less than 90 days from the date of the issuance of the Department of Real Estate public report, or approval of a condominium conversion Conditional Use Permit (CUP) under this Zoning Code, whichever is later.
 - h. *Pest Report.* Prior to the signing of any binding agreement for purchase, a structural pest report shall be made available to the prospective purchaser.
 - i. *Cooling Off Period.* Any tenant or other prospective buyer who signs a binding agreement for purchase shall be released without penalty from that obligation if, within 72 hours, the buyer notifies the seller in writing of his desire to rescind the agreement.
5. *Application Procedure.* Condominium conversions shall require approval of a conditional use permit in accordance with *Section 18.100.090 Conditional Use Permit* of this Zoning Code and approval of tentative and final subdivision maps.
- a. No condominium conversion shall be permitted in the City unless a CUP has been applied for and granted pursuant to this Zoning Code and tentative and final subdivision maps approved

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

pursuant to local ordinances and State law. The necessary tentative map shall accompany the application for the CUP.

- b. No application for a condominium conversion shall be accepted for any project consisting of fewer than 12 contiguous units planned as a single project and constructed within six months of each other.
 - c. This section shall not apply to the conversion of any residential project for which conversion and approved tentative map exists on the effective date of this Ordinance, unless said map should later expire.
6. *Application Requirements.*
- a. An application for a condominium conversion CUP shall be filed with the Community Development Director on a prescribed form and shall include the necessary plans and other required information.
 - b. An engineering report on the general conditions of all structural, electrical, plumbing and mechanical elements of the existing development, including noise insulation, shall be submitted. The applicant shall also submit a report setting forth all repairs and replacements necessary, if any, to immediately place the buildings in substantial compliance with the current California Construction Codes. The report shall be completed to the satisfaction of the Director and made available to prospective buyers if the conversion is approved.
 - c. A complete mailing list of all tenants occupying the property and two sets of stamped addressed envelopes. Within 10 days of application, the Director will notify each tenant and forward a copy of the engineering report and the list of procedures to be followed.
 - d. Each application for conversion shall include evidence to the satisfaction of the Director that the notification requirements outlined above have been or will be satisfied.
 - e. A survey of existing tenants as to their length of occupancy and the number of tenants who have expressed the intention of purchasing one of the units.
 - f. A relocation plan which identifies the steps which will be taken to ensure the successful relocation of each tenant if the conversion is completed. The plan shall include the specific relocation assistance to be given, such as costs relating to physically moving tenants and their possessions, first month's rent in the tenant's new unit, security and cleansing deposits, phone connections and utility deposits.
 - g. The provision of affordable dwelling units in connection with the condominium conversion shall be governed by the provisions of this section and of *Section 18.90.070 Density Bonus*.
7. *Required Findings.* The Planning Commission shall not approve any condominium conversion project without the following affirmative findings:
- a. The proposed conversion will not result in a major displacement of existing tenants unable to find comparable housing, and the location of the conversion project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare.
 - b. The proposed conversion complies with the development standards set forth in this section.
 - c. The project complies with all applicable local subdivision and zoning ordinances, and the State Subdivision Map Act.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- d. Any pattern of unjust evictions, or any unreasonable rent increase or pattern of unreasonable rent increases in the proposed project within 18 months prior to application for a condominium conversion CUP may be grounds for denial of the application.

18.90.070 Density Bonuses.

Density bonuses are mandated in part by the State's Density Bonus Law (California Government Code Sections 65915 and 65917) and provide incentives for the development of affordable housing units for very low income, lower income or senior households. This article provides regulations for the development of affordable units for low- and very low-income households, designed to meet the City's housing needs.

- A. **Project Qualification.** In accordance with Government Code Section 65915, the City shall grant a density bonus and at least one additional concession or incentive, or a financially equivalent incentive to eligible housing developments, as outlined below:
 1. The eligible housing development shall consist of five or more dwelling units.
 2. Affordable housing units (as defined in Section 65915(b) of the California Government Code) shall be provided on-site and shall include one or more of the following:
 - a. At least 10 percent of the total units allowed by the maximum permitted density shall be provided at affordable housing costs and occupied by lower-income households.
 - b. At least 5 percent of the total units allowed by the maximum permitted density shall be provided at affordable housing costs and occupied by very low-income households.
 - c. A senior housing development or mobilehome park that limits residency based on age requirements for housing persons 55 years or older.
 - d. At least 10 percent of the total units in a condominium project shall be designated for and occupied by moderate-income households.
 - e. At least 33 percent of the total units in a condominium conversion project shall be designated for and occupied by low or moderate income households or 15 percent of the units for lower income households, provided the project complies with the requirements in *Section 18.90.060 Condominiums and Condominium Conversions*.
 3. Housing developments consisting of at least 150 units (including the density bonus units) may include housing for senior households where at least one person in each unit is 55 years of age. Housing developments consisting of less than 150 units (including density bonus units) shall limit units for senior households to those with at least one person 62 years of age. Projects incorporating senior households shall also comply with the Federal Fair Housing Amendments Act of 1988 Public Law Section 100-430, 42 USC Section 3601 and the Consent Decree of Department of Justice.
 4. The density bonus provision shall not apply to any parcel or project which has previously been granted an increase in density through a general plan amendment, zone change, or other permit to facilitate affordable housing.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- B. Density Bonus Calculation.** The increase in density provided to eligible projects shall be in addition to the maximum permitted density authorized under the applicable zone in this Zoning Code or land use designation in the General Plan, whichever is less.
1. The density bonus units are not included when determining the number of required affordable units relative to the total project units.
 2. When calculating the density bonus or required affordable units, fractions are round up to the nearest whole unit.
 3. When a density increase of less than 20 percent is requested, no reduction will be granted in the number of affordable units required, and the requirements of *A. Project Qualification* shall still be applicable.
 4. A housing development that meets the requirements of *A. Project Qualification* shall be entitled to a density bonus of 20 percent and one concession or incentive, as outlined in *C. Additional Incentives*, below, except that a condominium conversion (under 2e) is allowed a 25% density bonus.
 5. When the housing development proposes at least 20 percent of the total units for lower income households or at least 10 percent for very low income households or at least 20 percent of the total units in a condominium project for moderate-income households, the project shall be entitled to a density bonus and two concessions or additional incentives, as outlined in *C. Additional Incentives*, below.
 6. When the housing development proposes at least 30 percent of the total units for lower income households or at least 15 percent for very low income households or at least 30 percent of the total units in a condominium project for moderate-income households, the project shall be entitled to a density bonus and three concessions or additional incentives, as outlined in *C. Additional Incentives*, below.
 7. When the project proposes to provide affordable units in excess of the required units, the density bonus shall be calculated based on a sliding scale, as provided below, up to a maximum of 35 percent.
 - An additional 2.5% density bonus for each additional increase of 1% very low income units above the initial 5% threshold;
 - A density increase of 1.5% for each additional 1% increase in low income units above the initial 10% threshold; and
 - A 1% density increase for each 1% increase in moderate income units above the initial 10% threshold for condominium or planned development projects.
 8. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zone change, ordinance amendment, or other discretionary approval.
 9. An applicant may donate residentially-zoned land (at least one acre) to the City for the development of affordable housing units for very low income households equal to and not less than 10% of the number of units proposed in a residential subdivision, parcel map, or residential development, and not less than 40 affordable housing units. This will entitle the project to a density bonus of 15%, up to a maximum of 35%, based on 1% increase in density for a corresponding increase in the percent of units for very low income households.
 10. An applicant that includes a child care facility as part of the project is entitled to an additional density bonus or incentive that may consist of:

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- a. An increase in the amount of square feet of residential space that is equal to the floor area of the child care facility
- b. An additional incentive that contributes to the economic feasibility of the construction of the child care facility

Provided the following conditions are met:

- c. The applicant agrees to and operates the facility for the same length of time that the affordable housing units are restricted to eligible households and
- d. The percentage of children attending the facility and from eligible households in the project is equal to or greater than the percent of restricted affordable housing units,

C. *Additional Incentives.* In addition to the density bonus, the City shall grant one of the following concessions or incentives:

1. A reduction or modification of Zoning Code requirements, site development standards, or architectural design requirements that exceed the minimum building standards approved by the State Building Standards Commission, as provided in Part 25 of Division 13 of the Health and Safety Code. This may include, but is not limited to:
 - a. *Open Space.* Open space requirements may be reduced if the project is located within 1,000 feet of a public park or revised to allow for roof-top areas to be counted as open space.
 - b. *Parking.* The enclosed parking requirements may be provided in an open parking lot. Tandem parking may be allowed.
 - c. *Setbacks.* The required setbacks for parking and landscaping within a parking area may be reduced, provided that the improvements are not significantly out of character with the surrounding area, do not create a safety hazard; and a suitable alternative design is incorporated as determined by the Community Development Director.
 - d. *Density.* An additional increase in density above the 20 percent density bonus may be granted.
 - e. *Building Height.* An increase in the maximum allowable building height may be granted.
 - f. *Off-Site Improvements.* City participation in certain off-site improvements required by the development of the project may be proposed pursuant to negotiation and agreement with the City.
2. The developer of the project may propose a reduction or waiver of City-related development fees, City participation in the cost of infrastructure, write-down of land costs, or subsidy of the costs of construction, subject to approval of the City.
3. A mixed use development, in conjunction with a multi-family residential project may be allowed, provided the project will be compatible internally, as well as with existing or planned development in the area where the project will be located.
4. The City may offer an equivalent financial incentive in lieu of granting a density bonus and additional incentive. The value of the equivalent financial incentive shall equal to at least the land cost per unit savings that would result from the density bonus.
5. The City may grant other regulatory incentives or concessions proposed by the developer, which would result in identifiable cost reductions to the project.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

6. Provision of incentives shall not be construed to require the City to provide cash transfer payments or other monetary compensation, but may include a reduction or waiver of requirements which the City might otherwise apply as conditions of approval.
7. Provided a written finding based on substantial evidence is made, the City need not grant a concession or incentive that would have a specific adverse impact on the public health and safety or the physical environment or on a parcel that is listed in the California Register of Historic Resources and for which there is no feasible method to satisfactorily mitigate or avoid adverse impacts without rendering the development unaffordable to low, very low, or moderate income households.

D. Requirements for Participation. In order for a developer to be eligible for the density bonus and additional incentive or incentives, the following requirements shall be met:

1. *Designated Affordable Units.* The developer/property owner shall restrict for the prescribed time period, the number of units by bedroom size, which are designated as affordable housing for target households. A unit shall be counted toward meeting this requirement if it is either vacant and held out for rent/sale at affordable housing costs to lower- and very low-income households or occupied by a senior household, or occupied by and affordable to a lower- or very low-income household (or a moderate income household for condominium units). Priority shall be given to target households that do not receive other housing subsidies.
2. *Similar Design.* The target units shall be compatible in floor plan, furnishings, and exterior design to other units in the project. Further, the target units shall be reasonably dispersed throughout the development. If the development proposes a phased building plan, a proportionate share of target units shall be constructed during each phase.
3. *Affordability Restrictions.*
 - a. In accordance with Section 65915 (c) of the California Government Code, target units shall remain restricted and affordable for a period of at least 30 years (longer periods may be required by financial assistance, mortgage insurance, or rental subsidy programs) if the project is granted a density bonus and additional incentive or an equivalent financial incentive. Target units shall remain restricted and affordable for a period of at least 10 years if the target units are in a condominium project, as defined in Civil Code Section 1351(f).
 - b. *Households* occupying target units shall be allowed to complete their leases beyond the term of the affordability restriction or for at least 6 months after the termination date, unless the property owner provides the tenants with a minimum of 180 days advance notice of the future rent increase and termination of the affordability status of their unit.
4. *Rental Rates.* The rental rate for affordable housing units shall comply with State law, as determined by the household income level and number of members in the household.
5. *Sales Price.* Target units for sale shall be affordable to lower- or very low-income households, as defined by income limits established by the State Department of Housing and Community Development, pursuant to Health and Safety Code Sections 50079.5 and 50105, as they may be amended from time to time.

Condominium units shall be affordable to moderate income households. However, upon the resale of the condominium unit, the seller of the unit shall retain the value of the improvements, the down payment and proportionate share of property appreciation. The City shall recapture its initial subsidy and proportionate share of property appreciation, to be used within three years to

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

promote homeownership. This equity-sharing arrangement shall be included in the agreement for the granting of the density bonus, as discussed under *10. Agreement* below.

6. *Pre-qualification.* All target households shall be pre-qualified by the developer or its designee prior to moving into a target unit by process mandated by the City. The pre-qualification process for lower- and very low-income target households shall certify the income level of the prospective tenant household, and advise the household of affordable housing costs. These standards will be made available to the applicant by the City. The property owner shall not charge the applicant for the initial pre-qualification review. If, after performing the necessary verification, the tenant qualifies as lower- or very low-income household, the City shall issue a certificate to the applicant and the property owner verifying the income level and eligibility to rent or own the unit.
7. *Reporting.* In May of each year, the developer or designee shall provide the Community Development Department, an accounting of the previous calendar year, including:
 - a. Total units occupied for any part of the previous year by bedroom size;
 - b. Total units vacant for any part of the previous year by bedroom size;
 - c. Total units occupied by lower-, very low-income and senior households by bedroom size;
 - d. For each lower- and very low-income target unit, the total monthly housing costs (advertised or paid); and
 - e. Any other pertinent information deemed appropriate by the City upon approval of the project.
8. *Increases In Tenant Income.* Rental housing qualifies as affordable housing despite a temporary noncompliance with this section, if the noncompliance is caused by increases in the incomes of existing tenants and if actions satisfactory to the City are being taken to ensure that all vacancies are filled in accordance with this section until the non-compliance is corrected.
9. *Default.* Default by the property owner is unlawful and is a misdemeanor. Each unit shall be considered a separate violation. Such violation shall be punishable by a fine, not exceeding \$1,000.00, or by imprisonment in the County jail for a period not exceeding six months, or both. In addition, the City shall have the right to prohibit the property owner from leasing any non-target unit which becomes vacant until the owner remedies the default. Until the default is remedied, no such unit shall thereafter be rented until the property owner presents evidence to Community Development Department, that the prospective tenant qualifies as very low-income or lower-income household, as required. Additionally, the average monthly default units shown on the audit report for the previous year shall be added to the units to be set aside during the succeeding reporting period.
10. *Agreement.* The developer shall sign a binding agreement with the City, which sets forth the conditions and guidelines to be met in the implementation of the density bonus requirements and/or any other applicable requirements. These include number of target units, their size, location, terms and conditions of affordability, and production schedule. In addition, the following conditions shall be imposed:
 - a. The agreement will establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- b. The agreement shall be binding on the developers, their heirs, transferees, assigns, successors, administrators, executors, and other representatives and recorded as a restriction on the parcel or parcels on which the units are constructed.
- c. The developer agrees not to sell, transfer, or otherwise dispose of the project, or any portion thereof, without obtaining the prior written consent of the Community Development Director. Such consent shall be given upon receipt by the developer of reasonable evidence satisfactory to the Community Development Director that the purchaser, or other transferee, has assumed, in writing and in full, the City's requirements and obligations in the agreement.
- d. The developer shall grant the City the continuing right of first refusal to purchase or lease any or all of the designated units at fair market value.
- e. The deeds to the designated units shall contain a covenant that the developer or the developer's successors in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interests in such unit without the written approval of the City, confirming that the sales price or the units is consistent with the limits established for eligible households; and
- f. The City shall have the authority to enter into other agreements with the owner, developer or purchasers of the dwelling units as may be necessary to assure that the designated dwelling units are continuously occupied by eligible households.

E. Application Procedure.

- 1. Affordable housing projects proposed under this section shall require approval of a Conditional Use Permit (CUP), as outlined in *Section 18.100.090 Conditional Use Permit* of this Zoning Code.
- 2. In accordance with Section 65915 (d) of the California Government Code, the developer shall first submit to the Community Development Department a written proposal for a density bonus and/or residential incentives. The written proposal shall consist of adequate information to reliably estimate the project cost per unit of the proposed development.
- 3. In addition to the findings of the CUP, the following findings shall be made by the City Council in approving the density bonus:
 - a. The total number of units is compatible with the existing and planned infrastructure and service facilities serving the site.
 - b. The developer has demonstrated that the density bonus and adjustment of standards is necessary to make the project economically feasible.
 - c. The proposed project is compatible with the goals and policies of the General Plan and the purpose and intent of this Zoning Code.

- F. Development Conversions.*** Conversion of existing developments or structures to housing projects eligible for a density bonus under this section shall follow the regulations outlined in Section 65915.5 of the California Government Code.

18.90.080 Accessory Dwelling Units.

The purpose of this Section is to allow for the creation of Accessory Dwelling Units in the City's single-family and multi-family residential districts, in accordance with Government Code Section 65852.2. This Section prescribes standards for such Accessory Dwelling Units to minimize adverse

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

impacts on the public health, safety and general welfare from the establishment of the Accessory Dwelling Units.

Approval of an Accessory Dwelling Unit Permit pursuant to this Section is a ministerial action not subject to discretionary review.

An Accessory Dwelling Unit that conforms to these requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the City of Hawaiian Gardens General Plan and zoning designation for the lot.

A. *Applicability.*

1. *New Accessory Dwelling Units.* Any construction, establishment, alteration, enlargement or modification of an Accessory Dwelling Unit shall comply with the requirements of this Section, other development standards in this Title as applicable to the underlying zone district in which the Accessory Dwelling Unit is located, and the City's Building Code.
2. *Nonconforming Accessory Dwelling Units.* All Accessory Dwelling Units that were legally constructed or initiated, but which do not conform to this Section, are deemed nonconforming and shall be subject to the provisions of *Section 18.100.130 Nonconforming Uses and Structures* of this Zoning Code.
3. *Existing Illegal Accessory Dwelling Units.* The provisions of this Section shall in no way validate any existing illegal Accessory Dwelling Unit. An application may be made pursuant to this Section to convert an illegal Accessory Dwelling Unit to a legal conforming Accessory Dwelling Unit, and shall be subject to the same standards and requirements as for a newly proposed Accessory Dwelling Unit.
4. *Designation of Existing Primary Unit as Accessory Dwelling Unit.* An existing residential unit may be designated as an Accessory Dwelling Unit at the time that a new primary unit is proposed for construction, provided the existing structure conforms to all the development standards for an Accessory Dwelling Unit under this Section.

B. *Development Standards.* The following development standards shall apply to all Accessory Dwelling Units constructed or moved to a new site and to the remodeling or rebuilding of existing single-family homes to create an Accessory Dwelling Unit subsequent to the effective date of the Ordinance codified in this Title.

1. *Unit Type.*
 - a. The Accessory Dwelling Unit shall have a separate and independent entrance from the primary unit and shall provide independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - b. An Accessory Dwelling Unit may be an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. *Location.*
 - a. Accessory Dwelling Units shall be allowed on residential lots containing only one single-family detached unit in any residential zone in the City.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- b. Accessory Dwelling Units are not allowed on lots containing two or more dwelling units or on any lot developed with a multi-family residential project.
 - c. Accessory Dwelling Units are not allowed in the commercial or industrial zones of the City, including any legally nonconforming parcel or use, even if they contain a detached or attached single-family residential unit.
 - d. Accessory Dwelling Units are not allowed within planned unit developments, condominium projects, or condominium conversion projects.
 - e. An Accessory Dwelling Unit shall not be constructed or moved into a lot that already contains a granny housing unit/flat, guest house, or caretaker's house.
 - f. An Accessory Dwelling Unit may be attached to the existing primary unit on the lot or detached from the existing dwelling unit but located on the same lot as the existing dwelling unit.
 - g. No more than one Accessory Dwelling Unit shall be allowed on a residential lot.
 - h. No more than 20 percent of the lots within any one block of the City shall have Accessory Dwelling Units.
 - i. Accessory Dwelling Units shall not be placed in front of the primary dwelling unit on the lot.
3. *Minimum Areas.*
- a. Minimum Lot Size: 6,000 square feet. Lot Coverage: Same as underlying zone.
 - b. Setbacks:
 - Front yard setback - 20 feet
 - Side yard setback – 10% of lot width, minimum of 5 feet and maximum of 7 feet
 - Rear yard setback - 15 feet on R-1, R-3 and R-4 lots and 10 feet on R-2 lots, except that through lots shall have a front and rear yard setback of 20 feet.
 - No Accessory Dwelling Units shall be located within the required front and side yards.
 - c. Rear Yard Coverage: Accessory Dwelling Units are not allowed within the required rear yard setback.
 - d. Minimum Living Area: 400 square feet, excluding any attached covered parking, enclosed garage, and unenclosed patio covers.
 - e. Maximum Living Area: The maximum floor area of a detached Accessory Dwelling Units shall not exceed 1,200 square feet or, for an attached Accessory Dwelling Unit, thirty percent of the existing floor area of the primary unit on the lot on which the Accessory Dwelling Unit will be located.
 - f. Building Height: A detached Accessory Dwelling Unit shall conform to the building height requirements of the underlying zone. However, a second-story addition to a dwelling unit, that is constructed with a building permit that is issued separately from the building permit for the primary dwelling unit, may not be converted to an Accessory Dwelling Unit.
4. *Number of Units.*
- a. Lots With One Dwelling Unit: An Accessory Dwelling Unit that is added or moved onto a residential lot in a residential zone with one detached single-family unit shall not count

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

towards the number of dwelling units allowed on the lot, as defined by the maximum density standard of the underlying zone district.

- b. Lots With More Than One Dwelling Unit: A dwelling unit that is added or moved into a residential lot with two or more detached or attached dwelling units, or on lots developed with a multi-family development will not be considered an Accessory Dwelling Unit and shall only be allowed on the lot if it will not result in exceeding the maximum density standard of the underlying zone and subject to all applicable requirements of the underlying zone.
- c. Additional Unit(s) on a Lot with an Accessory Dwelling Unit: If an additional dwelling unit or units are constructed or moved into a residential lot containing a primary unit and an Accessory Dwelling Unit, the following shall apply:
 - The Accessory Dwelling Unit shall no longer be considered an Accessory Dwelling Unit under this Section and shall be counted towards the number of dwelling units allowed on the lot, as defined by the maximum density standard of the underlying zone district;
 - The total dwelling unit count (including the Accessory Dwelling Unit) on the lot cannot exceed the maximum density standard for the underlying zone;
 - The Accessory Dwelling Unit shall no longer be permitted under this Section and will have to comply with all requirements for residential development within the underlying zone, including the minimum floor area, allowable density, etc.; and
 - The development shall obtain the necessary permits and approvals, as required by the City's zoning and building code regulations, in order to make the Accessory Dwelling Unit and the additional unit or units comply with the development standards for the underlying zone.

5. *Required Parking.*

- a. The Accessory Dwelling Unit shall have a separate, off-street, minimum one car, enclosed parking space. The parking space(s) for the Accessory Dwelling Unit shall be located on the same lot as the Accessory Dwelling Unit.
- b. Required off-street parking shall be provided at one space per bedroom or per efficiency unit, whichever is greater.
- c. The residential lot should have the required parking spaces for primary unit in accordance to the City's parking requirements, which would be separate from the parking spaces to be provided for the Accessory Dwelling Unit. Any nonconforming parking space or parking space provision for the primary unit shall be corrected, prior to the Accessory Dwelling Unit application.
- d. The parking space for the Accessory Dwelling Unit shall be in addition to the parking spaces required or provided for the primary dwelling unit.
- e. No substitution of parking spaces shall be allowed for the provision of an enclosed parking space for the Accessory Dwelling Unit. Any existing enclosed parking spaces for the primary unit cannot be utilized, reassigned or used to comply with the parking requirements for the Accessory Dwelling Unit on the same lot.
- f. The parking spaces for the primary unit or the Accessory Dwelling Unit shall not be permitted within the front yard setback or the front yard driveway.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- g. Tandem parking is not allowed.
 - h. No additional driveways and driveway openings are permitted on lot frontages to provide access to an Accessory Dwelling Unit. For lots with alley access, a secondary driveway or access on the alley side of the lot shall be provided for the Accessory Dwelling Unit, subject to the requirements of this Title. For corner lots, no additional driveways and driveway openings are permitted on any street frontage to provide access to the Accessory Dwelling Unit.
6. *Building Separation.* A detached Accessory Dwelling Unit shall have a minimum building wall separation from the primary dwelling unit of at least 15 feet. Also, an Accessory Dwelling Unit placed more than 150 feet from the public right-of-way shall provide all weather access for emergency vehicles.
7. *Design Guidelines.*
- a. The Accessory Dwelling Unit shall be designed and constructed to match the primary dwelling unit in architectural style, color and exterior façade materials.
 - b. If the Accessory Dwelling Unit is a manufactured home, the manufactured home shall be erected and permanently anchored on a permanent foundation and shall be made to match the architecture style of the primary unit on the same lot in terms of color, exterior façade and siding, roofing, and other outdoor features.
 - c. The provision of a skirt to conceal the base, axle or wheels of a manufactured home, trailer or mobilehome or the use of temporary anchors which would allow for future transfer of the unit by a built-in motor, by truck mounting, or by towing shall not be allowed for an Accessory Dwelling Unit under this Title.
 - d. A recreational vehicle, a commercial coach, park trailer, motor home, truck camper, or camping trailer, or trailer cannot be used as an Accessory Dwelling Unit.
 - e. A dedicated, separate and independent entrance or main door to the Accessory Dwelling Unit shall be provided, which does not require any full or partial entry into the primary unit.
 - f. The addition of an Accessory Dwelling Unit on a residential lot shall require the provision and identification of a minimum of 50 square feet of common open space and 80 square feet of private open space area for a total of 130 square feet of open space for each of the primary unit and the Accessory Dwelling Unit, which would be located outside and separate from the required front, side and rear setback areas on the lot.
 - g. The private open space areas may be provided on the second story of the structure as separate balconies. On the ground floor, the private open space areas shall be enclosed on at least three sides by a solid fence made of wood slats or masonry blocks. The fence shall be no higher than six feet.
 - h. The lot and the primary unit, where the Accessory Dwelling Unit shall be added, shall be made to comply with all applicable regulations of the zoning district in which it is located, as well as other applicable City ordinances and building requirements, prior to the acceptance of the Accessory Dwelling Unit application. This includes removal of nonconforming uses and structures and correction of code violations issued for the property.
8. *Use of Accessory Dwelling Unit.*
- a. The Accessory Dwelling Unit shall not be sold as a separate unit from the primary unit and may be rented.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- b. The Accessory Dwelling Unit may be rented out on a monthly basis and the property owner shall obtain a City of Hawaiian Gardens Business License for property rental.
- c. Accessory Dwelling Units shall not be rented out for transient use, in which rent is charged and collected on a daily or weekly basis.
- d. One of the two dwellings on the lot with an Accessory Dwelling Unit, either the primary unit or the Accessory Dwelling Unit, is required to be occupied by the owner of the property.
- e. If one of the dwelling units is not owner-occupied for any period longer than 30 days, one of the two dwellings will be required to be converted to an accessory structure or a guest house and its kitchen facilities shall be removed in accordance with this Title. This conversion will require the processing and approval of a development permit from the Community Development Director, as well as the necessary building permits and associated fees.
- f. A covenant shall be recorded with the Los Angeles County Recorder on the property, subject to approval of the Community Development Director, to restrict the property with the requirements of this Section, prior to issuance of a building permit for the Accessory Dwelling Unit. This use restriction shall be binding upon any successor in ownership of the property.
- g. A lot with an Accessory Dwelling Unit cannot be subdivided if the Accessory Dwelling Unit would be on the lot separate from the primary unit unless the proposed subdivision meets all City requirements and the Accessory Dwelling Unit complies or is made to comply with all requirements for residential development within the underlying zone.
- h. An Accessory Dwelling Unit cannot be converted into a bedroom, living area, enclosed patio or other part of the primary dwelling unit or to an accessory structure to the primary unit unless the kitchen, bathroom and toilet facilities are removed from the Accessory Dwelling Unit prior to conversion. This conversion will require the processing of a development permit and approval of any permit as may be needed for the conversion and proposed use in compliance with the requirements of this Title, as well as the necessary building permits and associated fees.
- i. One of the two dwelling units shall be rented at an affordable housing cost to a lower-income household, as defined in Chapter 18.20 Definitions of this Zoning Code. The Community Development Director shall monitor and require applicable documents on a yearly basis to maintain affordability.

C. *Site Development Plan Approval.* The Development Permit for an Accessory Dwelling Unit shall be subject to administrative review and approval by the Community Development Director. Appeals shall also be made to the Community Development Director. The Accessory Dwelling Unit shall not be required to go through a discretionary approval process before the Planning Commission or the City Council, even if the applicant is appealing the decision of the Community Development Director.

- 1. *Site Plan Review.* Prior to the submission of plans for a plan check or an application for a building permit for any building or structure associated with the Accessory Dwelling Unit, the plans shall be submitted to the Community Development Director or his/her designee for site plan review and approval and to obtain a Accessory Dwelling Unit Permit.
- 2. *Environmental Review.* Accessory Dwelling Units are considered categorically exempt from the requirements of the California Environmental Quality Act.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

3. *Development Application.* Generally, it is anticipated that Accessory Dwelling Unit applications will be processed for lots already containing a single-family dwelling unit. In cases where the development of an Accessory Dwelling Unit is proposed as part of the development application for the primary unit or a single-family dwelling unit and the permit application requires a public hearing or discretionary permit, the Accessory Dwelling Unit shall be considered in conjunction with the permit process for the overall project proposal in order to ensure consistency with relevant site and development standards.
4. *Permit Fees.* The Accessory Dwelling Unit shall be subject to application and processing fees similar to other administrative approvals.
5. *Building Code Requirements.* The Accessory Dwelling Unit shall comply with all applicable building code requirements which apply to residential construction in the zone district in which the property is located.
6. *Nonconforming or Illegal Uses.* Nothing in this Section shall be construed to legalize any currently nonconforming or illegally established Accessory Dwelling Unit in the City. In order to legalize an Accessory Dwelling Unit, the property owner would have to apply to the City for a development plan approval and building permit, subject to the requirements and standards of this Chapter. It is the property owner's responsibility to legalize the Accessory Dwelling Unit by demonstrating that the Accessory Dwelling Unit meets all the requirements of this Section and obtains a building permit, as required.

18.90.090 Granny Units.

The purpose of this Section is to provide special standards for the addition of a dwelling unit intended solely for the occupancy of one or two persons aged sixty-two years or over, in conjunction with a single-family residence and pursuant to the State's Planning and Zoning Law.

- A. *Minor Use Permit Required.* A minor use permit may be granted for the creation of a granny unit or granny flat if the granny flat or granny unit complies with all of the requirements of this Section.
- B. *Design and Development Standards.*
 1. The granny unit shall either be attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
 2. Any increase in the floor area of an attached granny unit shall not exceed thirty percent of the living area of the existing dwelling.
 3. The total area of the floor space for a detached granny unit shall not exceed one thousand two hundred square feet.
 4. A covenant shall be recorded with the Los Angeles County Recorder on the property, subject to approval of the Community Development Director, to restrict the property with the requirements of this Section, prior to issuance of a building permit for the granny unit.
 5. If the property containing a granny unit is sold and the granny unit's primary occupant is not over sixty-two years of age, then the detached granny unit shall be converted to an accessory structure or a guest house and its kitchen and bathroom facilities shall be removed. This conversion will require the processing and approval of a development permit from the Community Development Director, as well as the necessary building permits and associated fees.

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

6. Any construction necessary to allow a granny unit shall conform to all property development regulations in the zone in which the project is located, including those related to accessory structures and uses. The exterior design shall be in harmony with the immediate neighborhood. Building materials, architectural design, colors, and exterior finishes shall be substantially the same as those on the principal dwelling. Granny units shall be designed so as not to adversely affect the single-family character of the surrounding neighborhood.

18.90.100 Guest House.

This Section provides standards for the development of guest houses intended solely for the occupancy of short term guests of the residents of the primary single-family dwelling unit.

- A. **Minor Use Permit Required.** A minor use permit may be granted for the creation of a guest house in compliance with the standards in this Section.
- B. **Design and Development Standards.**
 1. The maximum size of a guest house shall 400 square feet and shall be either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
 2. A guest house shall contain only sleeping and sanitary facilities. No kitchen or food preparation area or appliances shall be provided.
 3. One additional parking space shall be required for the guest house, which may be uncovered and located within the rear yard setback.
 4. Guest houses shall conform to all property development regulations in the zone in which they are located, including those related to accessory structures and uses.
 5. Building materials, architectural design, colors, and exterior finishes of the guest house shall be substantially the same as those on the principal dwelling. Guest houses shall be designed so as not to adversely affect the single-family character of the surrounding neighborhood.

18.90.110 Accessory Uses and Structures.

Accessory uses and structures are allowed on parcels developed with a main building or land use, subject to the standards outlined in this Section, Administrative Approval by the Community Development Director under *Section 18.100.040* and any other applicable regulations in this Zoning Code.

- A. **Allowed Accessory Structures.** Accessory structures allowed in each zone are listed in the table of permitted uses in *Section 18.40.070 Uses Permitted in Residential Zones* and *Section 18.60.050 Uses Permitted in Non-Residential Zones*.
- B. **Allowed Accessory Uses.** Accessory uses are allowed in Residential, Commercial or Public Facilities zones, when the proposed accessory use is incidental and subordinate to the principal use of the land or building and complements the primary use of lot.
- C. **Part of Main Building.** Accessory buildings may be considered part of the main building if connected by a common wall of at least 5 feet in length and if not more than 20 feet from the main building and connected thereto by a roof of at least 5 feet in width.

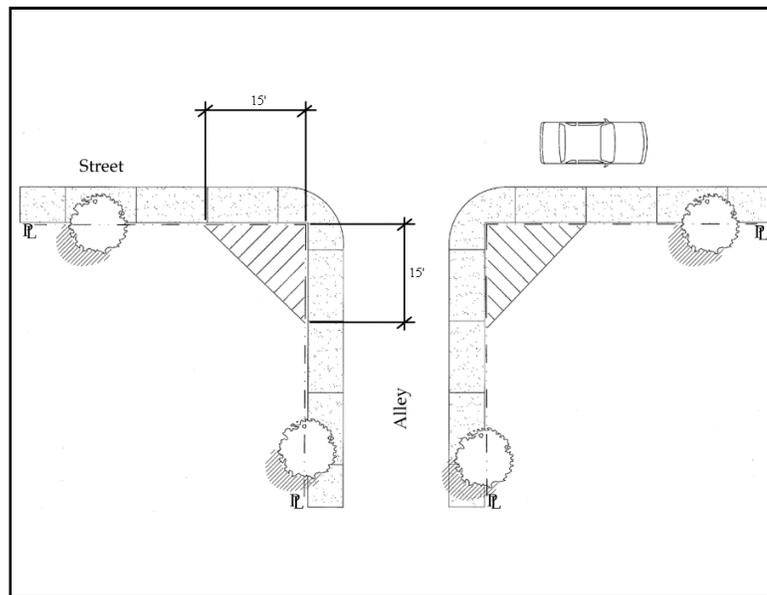
CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- D. Reverse Corner Lot.** No accessory building or structure on the rear of a reverse corner lot in the residential zones shall be nearer to the side lot line on the street side of the lot than the front yard depth required on the adjacent lot in the rear.
- E. Building Materials.** Accessory structures shall be constructed as permanent structures and shall not utilize tarp, corrugated steel, used or recycled materials or other building remnants, fabric, or canvas for walls or roof components. The structural design of all structures shall be of a conventional wood or metal frame construction meeting industry standards. The exterior finish shall not have exposed rough lumber and shall have a minimum of a stucco application, wood siding or similar material.
- F. Accessory Structure Location.** Accessory structures shall not be located in front of the primary dwelling unit(s) on a lot unless otherwise specified.

18.90.120 Vision Clearance Area

This Section provides standards for the provision of Vision Clearance Areas at the corners of intersecting streets, alleys, and private driveways that are kept free of obstructions, such as fences, hedges, trees, shrubs, walls, or other objects that limit visibility for turning vehicles.

- A. Visibility Clearance Required.** Corner lots in all zoning districts shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways.
- B. Vision Clearance Area Described.** The vision clearance area shall be described as a triangular-shaped area on a corner lot formed by measuring the prescribed distance from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway and connecting the lines diagonally across the property making a 90-degree triangle.



Vision Clearance Area

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- C. Area of Vision Clearance Area.** The dimensions of a vision clearance area triangle shall be as follows;
1. 15 feet from the intersection of two street rights of way or a street right of way and an alley,
 2. 15 feet from the intersection of two alleys, and
 3. 5 feet from the corner of an intersecting street right of way and a driveway in all nonresidential zones.
- D. Height Limitation.** Fences, hedges, walls, signs, structures, shrubbery, mounds of earth, or other visual obstructions over 36 inches in height, and tree canopies or other visual obstructions that hang lower than 48 inches from the ground, as measured from adjacent street curb elevation, shall not be erected, placed, planted, or allowed to grow within the vision clearance area.
- E. Exemption.** Proposed improvements, structures, or vegetation that exceed the 36 inch height limit may be allowed in the vision clearance area by the Community Development Director, if the Director of Public Works determines that the location and/or height of the existing or proposed hedge, shrubbery, structure or other obstruction within the vision clearance area allows for the unobstructed view of oncoming traffic, bicyclists, and pedestrians by a driver approaching an intersection or juncture between street and private driveway.
- F. Depiction on Plans Required.** The vision clearance area shall be shown on landscaping plans, grading plans, and tentative tract maps when required by the Community Development Director.

18.90.130 Outdoor Dining

- A.** Outdoor dining areas on private property are allowed subject to the following standards. Outdoor dining areas on public property shall require approval of an Encroachment Permit and shall be subject to the conditions of the permit.
1. *Minor Use Permit Required.* Approval of a Minor Use Permit shall be required in order to establish, add, or expand an outdoor dining area.
 2. *Alcoholic beverage sales.* Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control.
 3. *Parking.* Outdoor dining area parking requirements shall be in compliance with *Section 18.70.010, Parking and Loading Requirements* for food service establishments. Outdoor dining areas within the public right-of-way shall be included for purposes of calculating the required number of parking spaces.
 4. *Clean-up facilities.* Outdoor dining areas, whether part of a single food service establishment or shared by several food service establishments, shall be cleaned on a continual basis for removal of litter and food items. Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.
 5. *Compatibility.* To ensure compatibility with surrounding uses and a high standard of quality, the following standards shall apply:

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

- a. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from public rights-of-way, shall be compatible with the character of the main structure(s).
- b. Outdoor dining areas shall not provide outdoor entertainment or amplified music.
- c. Outdoor dining areas shall not obstruct vehicular or pedestrian traffic flow and not necessitate the removal of existing pedestrian or vehicular movement or parking areas.
- d. Appropriate barriers shall be placed between outdoor dining areas and parking, traffic, and public and private streets and shall serve only to define the areas and not constitute a permanent all-weather enclosure.

18.90.140 Child Day Care Facilities and Centers

This Section provides standards for the location and operation of day care facilities for children. These standards shall apply in addition to requirements imposed by the California Department of Social Services.

- A. ***Small family child day care homes (8 or fewer children)***. As required by State law (See Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes), small family child day care homes (8 or fewer children) shall be considered a residential use of property and shall be allowed within a single-family residence located in a residential zoning district with no City land use permits or clearances required.
- B. ***Large Family Child Day Care Homes (9-14 children)***. Large family child day care homes (9 to 14 children) shall comply with the following standards:
 1. ***Licensing***. The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).
 2. ***Care provider's residence***. The large family child day care home shall be the principal residence of the care provider and the use shall be clearly residential in character and shall be incidental and secondary to the use of the property as a residence.

Fencing. A 6 foot high solid decorative fence or wall shall be constructed on all property lines, except in the front setback area or within a corner cutoff intersection area. Fences or walls shall provide for safety with controlled points of entry.
 3. ***Other codes and standards***. Each large family child day care home shall comply with applicable Building Code and Fire Code standards and all State standards for the operation of large family child day care homes.
 4. ***Separation***. A large family child day care home within a residential zoning district shall be located at least 500 feet away from an existing large family child day care home, other day care facility, or group home facility.
 5. ***Off-street parking and drop-off/pick-up area***.
 - a. A facility shall provide an off-street parking space for each employee. A minimum of two off-street parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit. A driveway may be used to provide the

CHAPTER 18.90: SUPPLEMENTAL REGULATIONS

spaces, provided that the City Engineer approves the arrangement based on traffic and pedestrian safety considerations.

b. A facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.

6. *Noise.* In order to protect adjacent residential dwellings from noise impacts, a facility within a residential district may only operate a maximum of 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.

7. *Permit processing requirements.* A Minor Use Permit application may be approved if it is determined that the proposed large family child day care home would comply with the standards in this Subsection B.

C. *Standards for child day care centers (15 or more children).* Child day care centers shall comply with the following standards, in addition to the standards contained in Subsection B (Standards for large family child day care homes), above:

1. *Parcel size.* The minimum parcel size for a child day care center shall be 10,000 square feet.

2. *Separation.* The minimum separation between the main assembly building of the center and a residential zoning district shall be 50 feet.

3. *Play areas.* Each facility shall have both indoor and outdoor play areas in compliance with State requirements. An on-site outdoor play area of not less than 75 square feet per child, but in no case shall less than 450 square feet per facility, shall be required. The outdoor play area shall not be located in the front yard. A 6 foot high fence shall enclose any outdoor play area.

4. *Off-street parking and drop-off/pick-up standards.* Each facility shall provide an off-street parking space for each employee and a separate, off-street parking space for dropping-off and picking-up children in compliance with *Section 18.70.010, Parking and Loading Requirements.* The design of the drop-off and pick-up area shall not require backing into any street.

18.90.150 Garage and Yard Sales

A. *Regulations.* An occupant of a residential property may hold garage or yard sales subject to the following:

1. Garage and yard sales shall only be held a maximum of 6 times per calendar year and each garage and/or yard sale shall last no longer than 3 consecutive days.

2. No new goods, wares, or merchandise shall be offered for sale or sold at that property other than those owned exclusively by the owner, tenant, or occupant of the residence. The sale inventory shall not include goods ordered or purchased in contemplation of conducting such a garage or yard sale.

3. Sales shall commence no earlier than 7 a. m. and end by 5 p. m. each day.

4. Signs, billboards, placards, or other forms of advertisement of such sale shall conform to the provisions of the sign regulations set forth in Section 18.90.050, *Signs and Advertisement*, of this Zoning Code. Signs shall be removed upon termination of the garage or yard sale.

5. Estate sales shall last no more than three consecutive days.

6. No goods, wares, merchandise, or advertising shall be placed or displayed in the public right-of-way.

18.90.160 Multiple Tenant Occupancies

- A. **Regulations.** The primary tenant occupying an individual tenant space may have additional tenants which share the same tenant space subject to the following:
1. The primary tenant shall be defined as the primary leaseholder or property owner (if occupied by the property owner) of the tenant space.
 2. The minimum gross floor area of the individual tenant space shall be at least 1,000 square feet
 3. The primary tenant shall occupy at least 50% of the gross floor area.
 4. Additional tenants shall not utilize more than 500 square feet per additional tenant
 5. The maximum number of tenants in an individual tenant space less than 40,000 square feet of gross floor area shall be six (6) which includes the primary tenant and five (5) additional tenants.
 6. The maximum number of tenants in an individual tenant space 40,000 square feet of gross floor area and larger shall be nine (9) which includes the primary tenant and eight (8) additional tenants.
 7. If the use type of an additional tenant has a greater off-street parking requirement than the primary tenant in accordance with the Parking and Loading Requirements (Section 18.70.010) a parking analysis shall be required.
 8. Additional tenant use types shall be compatible to the primary tenant's use type; the determination of compatibility shall be at the discretion of the Community Development Director.

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- 18.100.010 Authority.**
 - 18.100.020 Administrative Procedures.**
 - 18.100.030 Site Plan Review and Approval.**
 - 18.100.040 Administrative Review and Approval.**
 - 18.100.050 Minor Use Permit.**
 - 18.100.060 Minor Exception.**
 - 18.100.070 Home Occupation Permit and Standards.**
 - 18.100.080 Temporary Use Permit and Standards.**
 - 18.100.090 Conditional Use Permit.**
 - 18.100.100 Variances.**
 - 18.100.110 Specific Plans.**
 - 18.100.120 Development Agreements.**
 - 18.100.130 Nonconforming Uses and Structures.**
 - 18.100.140 Zone Change and Zoning Code Amendments.**
 - 18.100.150 Permit Amendments and Modifications.**
 - 18.100.160 Revocation of Discretionary Permits.**
 - 18.100.170 Appeals.**
 - 18.100.180 Enforcement.**
 - 18.100.190 Reasonable Accommodations.**
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CHAPTER 18.100 ADMINISTRATION

The issuance of permits, enforcement of standards, and correction of violations are major components in achieving the goals and purposes of this Zoning Code. This Chapter sets forth the procedures for processing development review applications and the criteria and conditions necessary so that an appropriate decision may be made by the City on each application.

18.100.010 Authority.

- A. *Permits.*** No permit or license shall be issued by the City if the proposed project does not comply with the applicable provisions of this Zoning Code. It is the duty of the property owner to ensure that all required permits are obtained before any work is done.
- B. *Filing of Fees.*** The City Council shall, from time to time, by resolution, adopt or modify a schedule of filing fees to be paid by the applicant to the City to defray the reasonable expenses for processing development applications, discretionary permits, hearings, extensions, appeals or other cost incidental to the several procedures contained in this Zoning Code.
- C. *Decision-Making Authority.*** The following table specifies the decision-making authority for each of the various actions described in this Chapter. The letters/symbols in the columns beneath the decision-making body mean the following:
 - 1. **X** – Body provides final approval or decision on the application or permit
 - 2. **R** – Body provides recommendation only
 - 3. **A** - Body considers appeals to decisions

CHAPTER 18.100: ADMINISTRATION

DECISION-MAKING AUTHORITY				
Permit	Decision Making Body			Public Hearing Required?
	CDD	PC	CC	
Administrative Approval				
<i>Decision</i>	X			No
<i>Appeal</i>		A	A	Yes
Sign Permit (subject to Administrative Approval)				
<i>Decision*</i>	X			No
<i>Appeal</i>		A	A	Yes
Site Plan Approval				
<i>Decision*</i>	X			No
<i>Appeal</i>		A	A	Yes
Minor Use Permit				
<i>Decision*</i>	X			No
<i>Appeal</i>		A	A	Yes
Home Occupation Permit				
<i>Decision</i>	X			No
<i>Appeal</i>		A	A	Yes
Temporary Use Permit				
<i>Decision</i>	X			No
<i>Appeal</i>		A	A	Yes
Minor Exception				
<i>Decision*</i>	X			No
<i>Appeal</i>		A	A	Yes
Planned Development				
<i>Decision</i>	R	R	X	Yes
<i>Appeal</i>				
Conditional Use Permit				
<i>Decision</i>	R	X		No
<i>Appeal</i>			A	Yes
Variance				
<i>Decision</i>	R	X		Yes
<i>Appeal</i>			A	Yes
Specific Plan				
<i>Decision</i>	R	R	X	Yes
<i>Appeal</i>				
Zone Change/Zoning Code Amendment				
<i>Decision</i>	R	R	X	Yes
<i>Appeal</i>				
General Plan Amendment				
<i>Decision</i>	R	R	X	Yes
<i>Appeal</i>				

CDD = Community Development Director; PC = Planning Commission; CC = City Council
 * Director may refer such application to the Planning Commission for consideration.
 Note: A recommendation or decision before the Planning Commission or the City Council requires a public hearing, while a decision by the Community Development Director does not. See *Section 18.100.020 E* for noticing requirements for public hearings.

- D. Actions by Decision-Making Authority.** The decision-making authority shall make one of the following actions on each application:
1. *Approval.* After the action's effective date (as defined in *Section 18.100.020 K Effective Date*) and approval of any required plan revisions, the proposed land use plan or development may be established in compliance with all applicable regulations and the approved project plans and specifications.
 2. *Conditional Approval.* Any application may be approved subject to compliance with specified conditions. Conditions may require dedication of land, installation of improvements, the posting of financial security to guarantee performance, design modifications, or other conditions necessary to achieve the objectives of the General Plan and this Zoning Code. After the action's effective date (as defined in *Section 18.100.020 K Effective Date*) and after approval of any required plan revisions, the proposed land use or development may be established in compliance with all applicable regulations, the approved project plans and specifications, and the requirements of the conditions of approval.
 3. *Denial.* An application may be denied if the required findings cannot be made. When an application has been denied, an application for the same or a similar use on the same property shall not thereafter be accepted for a period of 1 year from the date of final determination. Applicant options include filing of an appeal with the same plan or submission of a new application that features substantial changes to the previous proposal.

18.100.020 Administrative Procedures.

- A. Applicable State Law.** It is intended that the provisions of this Chapter shall be consistent and in full compliance with the Permit Streamlining Act (Section 65920 et seq.) and as subsequently amended, as well as other applicable sections of the State Government Code.
- B. Application Filing.** An application for a permit or other entitlement under this Zoning Code may be submitted only by the property owner of the subject property, by an agent with written authorization from the property owner, or by a public agency.
- C. Application Forms.** Applications shall be filed with the Community Development Department on forms prescribed by the Director, together with: (1) all maps, plans, documents and other materials required by the Director, and (2) all required filing fees. The Department shall provide the necessary forms and filing instructions specifying all materials and fees required to any requesting person at no charge.
1. *Ownership.* Any procedure provided for in this Chapter may be initiated by application of the owner of any real property in the City directly affected by the procedure, or his authorized agent. The Community Development Director shall request proof of ownership or authorization prior to acceptance of any application.
 2. *Filing Fee.* A filing fee shall accompany each application as set forth by resolution of the City Council. Until all applicable fees or deposits have been paid, the City shall not begin review of an application. The City is not required to continue processing an application unless its fees are paid in full. Failure to pay fees is grounds for determination that the application is incomplete. No action will be made until the required fee is received by the City.
 3. *Application Package.* Required information for applications includes, but is not limited to:
 - Name, address and telephone number of applicant

CHAPTER 18.100: ADMINISTRATION

- Name and address of property owners
- Address and Assessors' Parcel Number of property
- Legal Description of property
- Map of property and surrounding area
- Plot Plan/Site Plan - drawn to scale* and including:
 - Topography and proposed grading
 - Existing and proposed structures
 - Yards and setbacks and all spaces between buildings
 - Access driveways and parking areas: number of spaces, circulation flow, curb openings, loading areas
 - Location of pads
 - Designated parking areas and dimensions of spaces and aisles
 - Location of permanent buildings and structures
 - Parks, open space and recreation areas
 - Fencing and walls: location, height and materials
 - Signs: location, size, height, material and method of illumination
 - Lighting: general nature, location, and hooding devices (not including interior building lighting)
 - Trash storage locations
 - Dimensions
 - North arrow and scale
 - Name and Signature of professional planner, engineer or architect
- Elevation Drawings of permanent buildings
- Floor Plans and Sections
- Proposed Landscaping (with irrigation system, type and size of plants, and parking areas)
- Phasing of Development
- Facility Improvements (such as curbs gutters sidewalks and street widths)
- Proposed Utilities and Infrastructure
- Water Supply System
- Drainage plans
- Sewage connection
- Public Utility Poles and Connections
- Certificate of Concurrency from service providers
- Proof of provision of maintenance of common areas
- Engineering Plans
- Photographs and exterior drawings
- Materials sample board
- Mailing labels for owners surrounding the property within a 300-foot radius or other radius as determined by the Community Development Director for applications requiring a public hearing
- Affidavit certifying the mailing list was obtained from the most recent roll of the Los Angeles County Tax Assessor and taken no longer than 90 days before the date of application

* Plans shall be provided on a minimum of 24" x 36" paper, and drawn with a minimum scale of 1' = 1/4". Smaller projects may be drawn on smaller sheets of paper and at a lower scale as approved by the Community Development Director.

CHAPTER 18.100: ADMINISTRATION

The Director, in his discretion, may waive one or more of the above items or may require other pertinent information from the applicant, as needed. In addition to the hard copy of the above requested information, an electronic file may be required, as determined by the Community Development Director.

4. *Complete Application.* Within 30 days of submission of the application, the Community Development Department shall notify the applicant if the application is complete or if any other materials or requirements are needed. No application shall be considered complete until all adequate forms are filed, the required fee is paid, and additional information as required by the Community Development Director, is received. The Community Development Director shall determine when an application is complete.
5. *Environmental Review.* When it is determined by the Community Development Department that an Environmental Impact Report or Initial Study/Negative Declaration is needed for a project, the application for that proposal shall not be deemed complete until the applicant has submitted to the Community Development Department the necessary environmental documents and sufficient funds to pay for the cost of environmental processing. The Community Development Director shall determine the amount of funds to be deposited and shall advise the applicant of that amount within 10 days after the application is filed.

On larger projects, the Community Development Director may require the applicant to provide its own environmental documents, as prepared by a professional consultant under the lead and direction of the City.

6. *Pre-application.* An applicant, developer, property owner or other authorized agent may request a pre-application meeting with the Community Development Department to discuss the application and processing requirements that may be applicable to a specific site or project.
 7. *Revised Plans.* Revised plans shall not be accepted for consideration within 10 days prior to a public hearing on the proposed development. Changes in development plans, which affect a condition of approval or significantly change the scope of the project, shall be treated as a new application.
- D. Combined Applications.** Applications for different types of actions may be processed concurrently with the combined fee deposits for each application, as long as all applicable processing requirements and all required findings are satisfied. In addition:
1. When an application requiring a public hearing is combined with one not requiring a public hearing, the combined application shall require a public hearing.
 2. The final decision on the combined application shall be made by the highest applicable decision-making authority pursuant to *Section 18.100.010 Authority*, above.
- E. Notifications.** Public notice of applications for permits under this Zoning Code shall be made in accordance with the Hawaiian Gardens Municipal Code and as provided in the table below and the following requirements:

CHAPTER 18.100: ADMINISTRATION

PUBLIC NOTIFICATION				
Permit	Owner and Applicant	Properties within 300-foot radius	Public agencies and utilities	Local Newspaper
Administrative Approval	X			
Sign Permit (subject to Administrative Approval)	X			
Appeals	X	X	X	X
Site Plan Approval	X			
Minor Use Permit	X	X*		
Home Occupation Permit	X			
Temporary Use Permit	X	X*		
Minor Exception	X	X*		
Planned Development	X	X	X	X
Conditional Use Permit	X	X	X	X
Variance	X	X	X	X
Specific Plan	X	X	X	X
Zoning Code Amendment	X	X	X	X
Zone Change	X	X	X	X
General Plan Amendment	X	X	X	X
* The Community Development Director may notify residents or property owners near the subject property if the Director determines on a case-by-case basis that the public interest would be served by such notification.				

1. A public hearing or public notification is not required for administrative actions and the issuance or permits/approvals by the Director, although the Director may notify residents or property owners near the subject property if the Director determines on a case-by-case basis that the public interest would be served by such notification.
2. For permits/approval by the Planning Commission and the City Council, upon acceptance of a complete application, the Community Development Director shall distribute public notice of the application and set the matter for public hearing, if required for the application. The notice shall be mailed pursuant to requirements under State law before the hearing date to the following:
 - a. The owners of properties within 300 feet of the subject property.
 - b. The property owner and the project applicant.
 - c. City public officers, departments, and/or public service and utility agencies that, in the determination of the Community Development Director, could be affected by the application or otherwise require noticing.
 - d. Anyone filing a written request and paying the cost for notification and to such other persons whose property might, in the Community Development Director’s judgment, be affected by the proposed application.
 - e. The notice shall be advertised in a newspaper circulated within the City of Hawaiian Gardens at least 10 days before the hearing date.

CHAPTER 18.100: ADMINISTRATION

- f. A notice shall be posted at locations prescribed by the Hawaiian Gardens Municipal Code. The Community Development Director may post at additional locations if the Director decides they are best suited to reach the attention of, and properly inform those persons who may be affected.
3. When a Negative Declaration or Environmental Impact Report (EIR) is needed pursuant to the California Environmental Quality Act (CEQA), a Notice of Intent to adopt a Negative Declaration shall be published no less than 20 days prior to the hearing date, or 30 days prior to the hearing date for applications that require circulation of the Negative Declaration to the State Clearinghouse. The processing for the EIR will be subject to the provisions for the required review periods for the Notice of Preparation, Notice of Completion and availability of responses to comments, prior to certification of the EIR. The necessary environmental review process shall be conducted during the plan review of the project and shall be completed prior to the public hearing at which a decision on the project would be made.
4. The notice shall include the following:
 - a. Time and place at which the application will be heard;
 - b. Identity of the hearing body or officer;
 - c. Nature of the application (including but not limited to the name of the applicant, the file number assigned to the application, location of the property under consideration and a brief description of the development); and
 - d. Brief description of the general procedure of the City of Hawaiian Gardens concerning the conduct of hearing and local actions.
 - e. A statement that any interested person may submit in writing or appear in person or by agent and be heard.

F. Public Hearings.

1. *Conduct of Hearings.* Public hearings before the Planning Commission and City Council shall be conducted in accordance with the rules and procedures established by the City and applicable State law.
2. *Continuance.* If, for any reason, testimony on a case cannot be heard or completed at the time set for such hearing, the Planning Commission may continue or extend the hearing to another time. Before adjournment or recess, the chair of the Planning Commission shall publicly announce the time and place at which the hearing will be continued.

G. Withdrawal of Application. An applicant may request withdrawal of the application at any time during the permit process. When an application is withdrawn in writing, such action is effective immediately and is not subject to appeal. Thereafter, such application shall be null and void and the property shall have the same status as if no application had been filed. Refund of fees will be regulated by the fee schedule established by the City Council.

H. Conditions of Approval. As part of an action on an application, the decision-making authority may impose more restrictive site development standards than set forth in this Zoning Code, in order to make the required findings for each type of permit. All conditions of approval shall be binding upon the applicants, their successors and assigns and shall run with the land, unless otherwise specifically stated in the permit.

I. Action in Writing. The decision on each application, including any required findings and any other reasons that serve to explain the determination plus all conditions of approval shall be in writing. A

CHAPTER 18.100: ADMINISTRATION

copy of the written determination shall be forwarded to the applicant within 10 days of the date of final determination and shall be made available at cost to any other person requesting such a copy.

J. Council Review of Commission Actions.

1. For applications where the Planning Commission has decision-making authority, the Community Development Director shall notify the City Council of the decisions/actions on items on the Planning Commission agenda, within 2 days of the Planning Commission public hearing.
2. Any council member may request that the Planning Commission decision be considered by the City Council within 10 days of the Commission decision, by notifying the City Clerk and/or the Community Development Director.
3. The Planning Commission decision on the application is stayed pending the City Council hearing.
4. Notification and conduct of the hearing before the City Council to consider the application shall be made in accordance with *Sections 18.100.020 E and F* above.
5. The consideration by the City Council will serve as the appeal process for the project, in accordance with *Section 18.100.170 Appeals*. This process shall be completed within 45 days of the Planning Commission decision.
6. The decision of the City Council shall be final, after which no other appeal will be considered.

K. Effective Date. Approval shall not take effect for any purpose until the applicant has filed an affidavit accepting all of the conditions set forth in the Letter of Approval, including the list of conditions and at least 10 days after the date of decision is made and after all appeals, if any, have been acted on, per *Section 18.100.170 Appeals*.

L. Permit Expiration. Permits issued under this Zoning Code shall lapse and become void after the expiration dates listed below, unless prior to the expiration date, an extension is issued for the use or structure that was the subject of the permit.

1. Administrative Approval – 1 year if not used
2. Site Plan Approval – 1 year if not used
3. Minor Use Permit – 1 year if not used, 180 days after use ceases
4. Home Occupation Permit – 1 year if not used, 180 days after use ceases
5. Temporary Use Permit – based on permit conditions for the temporary use
6. Minor Exception – 1 year if not used
7. Conditional Use Permit – 1 year if not used, 180 days after use ceases
8. Variance – 1 year if not used
9. Zone Change – none
10. Zoning Code Amendment – none
11. Specific Plan – none
12. Development Agreement – none
13. Master Development Plan - 1 year if not used
14. General Plan Amendment - none

Expiration limits shall not apply to temporary closures for no more than 30 days for purposes of repair, provided the repair does not change the nature of the land use and does not increase the floor area of the business or for closures needed for the restoration of the structure due to an act of God or accident, if the restoration does not increase the floor area of the structure. Expirations of unused permits shall not apply when a valid building permit has been issued and construction has been diligently pursued or a certificate of occupancy has been issued, provided that once a building permit has been issued and construction is completed within one year. Otherwise, the building permit shall expire due to failure to complete. The expiration of permits obtained under this Zoning Code or the expiration of the building permit for the project shall cause any other permits issued under this Zoning Code for the subject property to become void and invalid.

- M. *Permit Extension.*** Extension of unused permits may be granted by the decision-making authority without notice or public hearing for up to one additional year, if the decision-making authority determines that findings made and conditions imposed on the original approval still apply. Application for renewal shall be made in writing no less than 30 days or more than 60 days prior to the lapse of the original approval. Fees and charges for processing a permit extension shall be paid at the time of filing the permit extension, in accordance with the City's fee schedule, as set forth by resolution of the City Council.

18.100.030 Site Plan Review and Approval.

- A. *Purpose.*** The purpose of the Site Plan Review process is to ensure that:
1. Development in the City is consistent with the General Plan, this Title, and other regulations, plans and policies of the City;
 2. Development in the City contributes to the long-term attractiveness of the City;
 3. Development in the City contributes to the economic vitality of the community by ensuring compatibility of development throughout the community; and
 4. Development in the City contributes to the public safety, health, and general welfare.
- B. *Applicability.***
1. *Site Plans Review Required.* Except as otherwise provided below, a site plan review is required for all development applications in the City. Development applications that require other permits shall be subject to Site Plan Review and Approval as part of the overall permit process.
 2. *Overlay Zones.* Developments in areas with an overlay zone are subject to Site Plan Review and Approval. These include:
 - a. *Card Club Overlay Zone.* All site plans for development within the Card Club Overlay Zone require site plan review and shall conform to the standards outlined in *Section 18.80.010, CC – Card Club Overlay Zone* and the approved Site Plan for the project.
 - b. *Specific Plan.* Proposed development within an approved specific plan require Site Plan Review and Approval by the Community Development Director and shall conform to the standards of the approved Specific Plan for the site. Approval of a Specific Plan or amendment to an approved Specific Plan requires consideration by the City Council and is subject to the regulations under *Section 18.100.110, Specific Plans* below.

CHAPTER 18.100: ADMINISTRATION

c. *Planned Developments.* All site plans for planned development projects within the PD (Planned Development Overlay Zone) require Site Plan Review and Approval and shall comply with the following:

3. Proposed Planned Developments or amendments to Planned Development shall conform to the standards outlined in *Section 18.80.020, PD - Planned Development Overlay Zone* and any previously adopted Master Development Plan for the site.
4. Planned Development projects or amendments to approved Planned Developments shall be required to submit application forms, plans, and other documents, as specified under *Section 18.100.020 Administrative Procedures*. In addition, the applicant shall submit a Master Development Plan that includes the development concept, proposed uses, designated areas for each use, development standards for each use, development phasing, circulation and infrastructure improvements, disposition of public facilities, availability of public and utility services, and covenants, conditions and restrictions (CC&Rs).
5. Planned Development applications or amendments to approved Planned Developments shall require a Conditional Use Permit through a public hearing before the Planning Commission. However, proposed development within an approved Planned Development that conforms to the standards of the approved Master Development Plan for the site, will only require site plan review and approval by the Community Development Director.
6. The approval of the Planned Development shall be subject to the Site Plan Standards and Review Criteria in *Sections 18.100.030 D and E*, below, except for compliance with the minimum development standards (i.e., building height, density, setbacks, lot coverage, etc.) of the underlying zone as provided in *Chapter 18.40, Residential Zones*, where the approved Master Development Plan conflicts with these standards.
7. The approved site plan and development standards for the Planned Development application shall be considered as the Master Development Plan for the project site.
8. The Master Development Plan shall regulate future development, major rehabilitation, or alterations of the structures and improvements on site, subject to subsequent site plan review and approval by the Community Development Director.

C. Approving Authority.

1. *Community Development Director.* The Community Development Director shall consider all applications for site plan review. The Director has the authority to approve, conditionally approve or deny a site plan application, based upon the findings listed below.
2. *Planning Commission.* The Community Development Director shall refer specific types of projects to the Planning Commission in accordance with guidelines established by the Planning Commission. Any site plan review referred to the Planning Commission shall be reviewed using the procedures established for a public hearing.
3. *City Council.* The City Council shall have the appeal authority for Site Plan Review and approval by the Planning Commission.

D. Site Plan Standards. Site plan review shall ensure the compliance of individual developments with the applicable standards provided in this Zoning Code, including those in Section 18.50.100, Residential Design Guidelines and Section 18.70.090, Nonresidential Design Guidelines.

CHAPTER 18.100: ADMINISTRATION

- E. Required Findings.** The approval of site plans shall include the following findings:
1. The proposed development is compatible with adjacent development and development in the area;
 2. The proposed development is consistent with the General Plan, this Zoning Code, and other adopted City plans, policies and standards;
 3. Building design and landscape materials are consistent with the design standards and guidelines in this Zoning Code; and
 4. Building or buildings may be developed across a property line, provided the affected lots are legal parcels of record and are owned by the same property owners and would be merged as one parcel as part of the application and for the determination of development standards.
- F. Approval.** A site plan may be approved, conditionally approved, denied or approved subject to conditions relating to improvements both on-site and off-site and the following conditions:
1. If the proposed site plan would not be compatible with the surrounding area, or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes, or would endanger the public peace, health, safety or general welfare, such plan shall be denied or shall be modified or conditioned before approval so as to remove such objections.
 2. The Community Development Director and Planning Commission may also consider and take into account the exterior architectural design, general exterior appearance, landscaping, texture of surface materials and exterior construction, shape and bulk, and other physical characteristics, including the location and type of public utility facilities; and, if it is found that the proposed site plan, including the considerations enumerated, would interfere with the orderly development of the City, such site plan shall be rejected or shall be so modified or conditioned before approval so as to remove such objections. These changes may include:
 - a. A revised site plan
 - b. Reduced building height, bulk or mass
 - c. Increased setbacks
 - d. Changes in building materials
 - e. Changes in roof lines
 - f. Increased useable open space
 - g. Increased screening of garages, trash receptacles, mechanical equipment, etc.
 - h. Increased landscaping
 - i. Change in color; or
 - j. Any other changes or additions that the City feels necessary to further the goals of the site plan review process.
 3. Any site plan, after approval, shall be amended through the same procedure as in the initial approval of such site plan; except that minor alterations or modifications to a previously approved site plan may be approved by the Community Development Director; provided that, in the judgment of the Community Development Director, such modifications or alterations do not represent deviations of a substantial nature.

CHAPTER 18.100: ADMINISTRATION

18.100.040 Administrative Review and Approval.

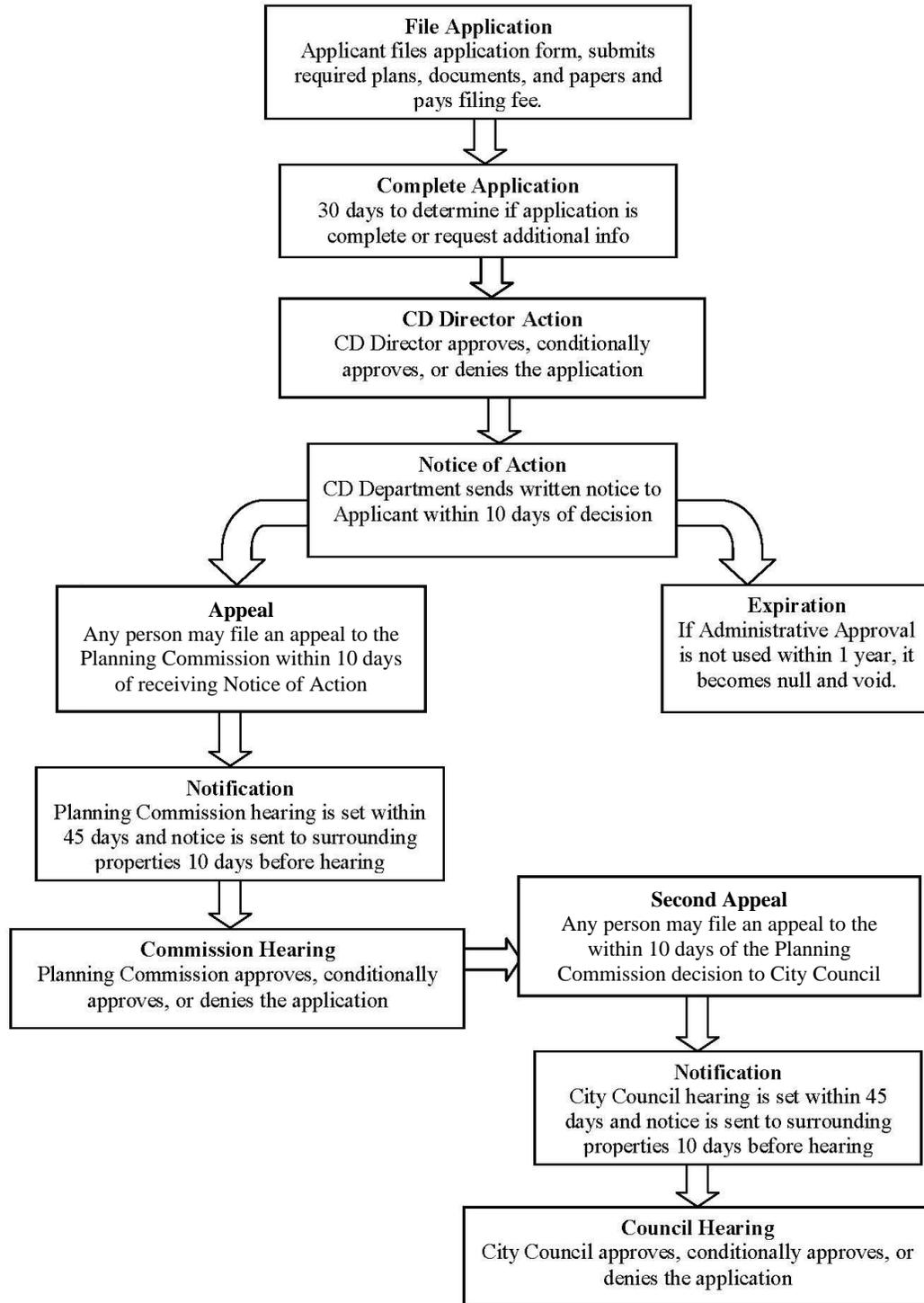
- A. Purpose.** To ensure that all provisions of this Zoning Code are followed, the Community Development Director shall issue an Administrative Approval for all new construction, replacement, alteration, renovation, and demolition projects in accordance with the regulations below.
1. If no specific permits are needed under this Zoning Code, the Administrative Approval shall be required prior to:
 - Issuance of a building permit
 - Use of a property
 - Change in the use of an improved or unimproved property
 - Change in the occupancy of a property
 - Issuance of a license or permit concerning use of a property
 2. Administrative Approvals are required for demolitions, renovations and alterations that do not result in a change or introduction of a new land use, as well as for some projects that may not lead to an increase in the floor area of the existing structure. These include, but are not limited to:
 - a. On-site walls and fences;
 - b. Demolition of a structure;
 - c. Sculptures, fountains and other similar improvements;
 - d. Normal repairs and maintenance of an existing building or structure;
 - e. Interior alterations that do not affect the external dimensions of an existing building or structure, unless the alterations are made to change the use or type of occupancy within part or all of the altered building or structure; and
- B. Processing.** Permit processing and approval of an Administrative Approval shall follow the procedures shown in Figure A.
- C. Required Findings.** An Administrative Approval may be granted only if all of the following findings can be made regarding the proposal and are supported by the record:
1. That the granting of the proposed Administrative Approval will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
 2. That the granting of the proposed Administrative Approval is consistent and compatible with the intent of the goals, objectives and policies of the City of Hawaiian Gardens General Plan.
 3. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
 4. That all requirements for a specific use have been addressed by the applicant.
- D. Burden of Proof.** The applicant has the burden of proving that the proposed use meets all of the criteria set forth in *Section 18.100.040 C, Required Findings* for Administrative Approvals above.

CHAPTER 18.100: ADMINISTRATION

- E. Approval.*** The Community Development Director may grant an Administrative Approval, approve with additional requirements, or require modification of the proposal to comply with specified requirements or local conditions.
- F. Denial.*** The Community Development Director may deny an application for an Administrative Approval if any of the Required Findings are not supported by evidence in the record as determined by the Community Development Director.

FIGURE A

ADMINISTRATIVE APPROVAL PROCESS



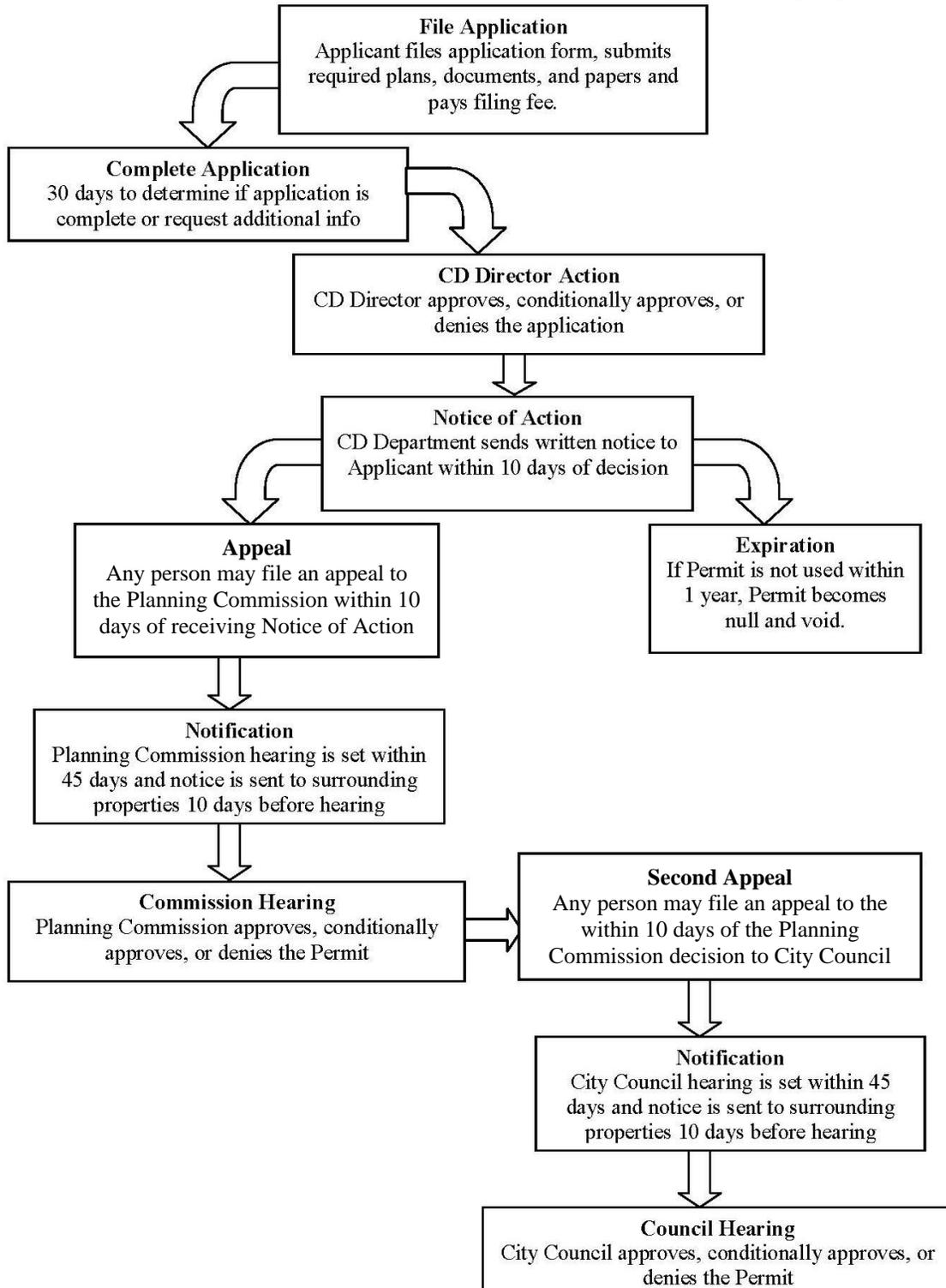
18.100.050 Minor Use Permit.

- A. Purpose.** Certain land uses are relatively minor in nature and with relatively little potential for adverse impacts on the surrounding community or the environment. These uses are subject to approval of a Minor Use Permit by the Community Development Director.
- B. Application.** Applications for Minor Use Permits shall be submitted for uses allowed as minor uses in the applicable zone, as listed in *Section 18.40.070, Permitted Uses in Residential Zones* and *Section 18.60.050 Permitted Uses in Non-Residential Zones*.
- C. Processing.** The Community Development Director may approve a Minor Use Permit, approve with conditions, or deny the permit. Permit processing and approval of a Minor Use Permit shall follow the procedures shown in Figure B.
- D. Recommendation and Decision.** The Community Development Director shall consider all applications for Minor Use Permits, whose decision is final, unless an appeal is filed to the Planning Commission in accordance with *Section 18.100.170, Appeals*, below.
- E. Required Findings.** In granting a Minor Use Permit, the Director shall make the following findings:

 - a. That the proposed use is consistent with the General Plan;
 - b. That the proposed use is not contrary to the objectives of this Zoning Code or to the objectives of the applicable regulations;
 - c. That the proposed use will be located, operated, and maintained in a manner consistent with the policies of the General Plan and the provisions of this Zoning Code;
 - d. That the proposed use will not be detrimental to the property or improvements in the surrounding area or the public health, safety, or general welfare.

FIGURE B

MINOR USE PERMIT PROCESS



18.100.060 Minor Exceptions.

- A. Purpose.** Minor Exceptions allow for variations in the specific development standards of the applicable zoning regulations or the requirements outlined in this Zoning Code. The Community Development Director shall have the authority to approve Minor Exceptions to the requirements and provisions of this Zoning Code, subject to the regulations below.
- B. Criteria.** A variation from specific development standards of the zoning regulations shall be known as a Minor Exception if it does not exceed the criteria outlined below.
1. **Criteria.** Minor Exceptions may be granted and are limited to only one of the following criteria. For applicants proposing exceptions greater than one of the following criteria, the procedures for a Variance shall be followed:
 - a. Projection of incidental architectural embellishments or structural appurtenances into required setback areas by not more than 20 percent; provided, that such projection does not violate fire, housing, or building codes.
 - b. Increase in the allowable height of a building up to a maximum of five additional feet in a “C-4” or “M-1” zone; and up to a maximum of three additional feet in a Residential zone for the purpose of permitting cupolas, spires, turrets or other design features consistent with the architectural style of the building.
 - c. Off-site parking facilities, where the following conditions are met:
 - The parcels containing the use and the off-site parking are under common ownership or appropriate agreements with the property owner of the parking parcel are established prior to approval of the off-site parking facility.
 - The parcel to be used for parking is not separated or divided from the building or use it is intended to serve by Carson Street, Norwalk Boulevard, other major highway, Coyote Creek or the Artesia-Norwalk Storm Drain Channel.
 - For hospitals, large group homes, institutions, rooming and lodging houses, adult retirement homes, congregate care facilities, and community clubs, parking facilities shall be located no farther than 150 feet from the facility.
 - For uses other than those specified above, parking facilities shall be located no farther than 500 feet from the facility.
 - The use of the off-site parcel would not be detrimental to public safety.
 - d. A maximum 20 percent reduction in a setback requirement for any residential or non-residential zone.
 - e. A maximum 10 percent reduction in the number of total parking spaces required in conjunction with a change of a commercial or industrial use in an existing building.
 - f. A reduction in the total number of parking spaces required solely as a need to upgrade existing parking facilities to comply with Americans with Disabilities Act (ADA), Title III and California Code of Regulations (CCR), California Access Code, Title 24.
 - g. A reduction in the total number of parking spaces required for single-family residential uses **and duplexes** when additional habitable space is proposed and additional parking cannot be provided because of existing conditions on the lot. In this case, the maximum number of parking spaces that can be developed on the lot shall be provided.

CHAPTER 18.100: ADMINISTRATION

- h. A 25 percent increase over the allowed fence height, but not greater than 8 feet total, including any retaining wall.
- i. A 20 percent reduction in the required width of a driveway in the R-1 and R-2 zones.
- j. Encroachment into a required Residential zone parking space for accommodating structural reinforcement, installation of pipes, vents or other similar improvements for no more than 5 percent of the required dimension of a parking space where no more than three parking spaces are affected. This subsection shall apply only to retrofitting of existing construction. The encroachment shall not impair the overall usefulness of the parking space or parking area for its intended purpose as a parking space or area.
- k. Conditional Use Permit (CUP) revisions with substantial conformance to the original CUP, as determined by the Director.

C. *Minor Exception Process.*

1. *Application.* Application for a Minor Exception shall be made part of the primary development application for the proposed development or use.
2. *Processing.* The Community Development Director may grant a Minor Exception, approve with additional requirements, or require modification of the proposal to comply with specified requirements or local conditions, as part of concurrent permit approvals for the proposal.
3. *Required Findings.* In granting a Minor Exception, the Director shall make the following findings:
 - a. That the exception is consistent with the General Plan;
 - b. That the exception is not contrary to the objectives of this Zoning Code or to the objectives of the applicable regulations;
 - c. The granting of the exception, with any conditions imposed, will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

D. *Approving Authority.*

1. *Approval by Community Development Director.* The Community Development Director shall have the authority to consider and act on requests for a Minor Exception. The Community Development Director may approve, conditionally approve, or deny the request subject to the criteria set forth above. The Community Development Director's actions may be appealed to the Planning Commission, in accordance with *Section 18.100.170, Appeals*, below.
2. *Approval by Planning Commission.* The Community Development Director may refer an application for a Minor Exception to the Planning Commission for consideration. In such cases, the hearing before the Planning Commission shall be held within 45 days after the filing of a complete appeal application.

18.100.070 Home Occupation Permit and Standards

- A. Purpose.** Home occupations are allowed only in Residential zones, subject to approval of a Home Occupation Permit.
- B. Application.** Applications for Home Occupation Use Permits shall be submitted for those uses which comply with the standards in this section.
- C. Processing.** The Community Development Director may approve a Home Occupation Permit, approve with conditions, or deny the permit. Permit processing and approval of a Home Occupation Permit shall follow the procedures shown in Figure C.
- D. Recommendation and Decision.** The Community Development Director shall consider all applications for Home Occupation Permits, whose decision is final, unless an appeal is filed to the Planning Commission in accordance with *Section 18.100.170, Appeals*, below.
- E. Transfer.** The Home Occupation Permit need not be renewed annually but shall not be transferable by the applicant to another person and shall cease automatically upon change of property ownership.
- F. Revocation of Permit.** The Community Development Director may suspend or revoke a home occupation permit if the Director determines that the home occupation is being operated in violation of any of the provisions in this Section. Such revocation is subject to appeal to the Planning Commission, in accordance with *Section 18.100.170, Appeals*.
- G. Standards.** The Home Occupation Permit shall only be granted if the proposed home occupation complies with all of the applicable standards below and a finding can be made that the home occupation will not adversely affect the residential character of the property.

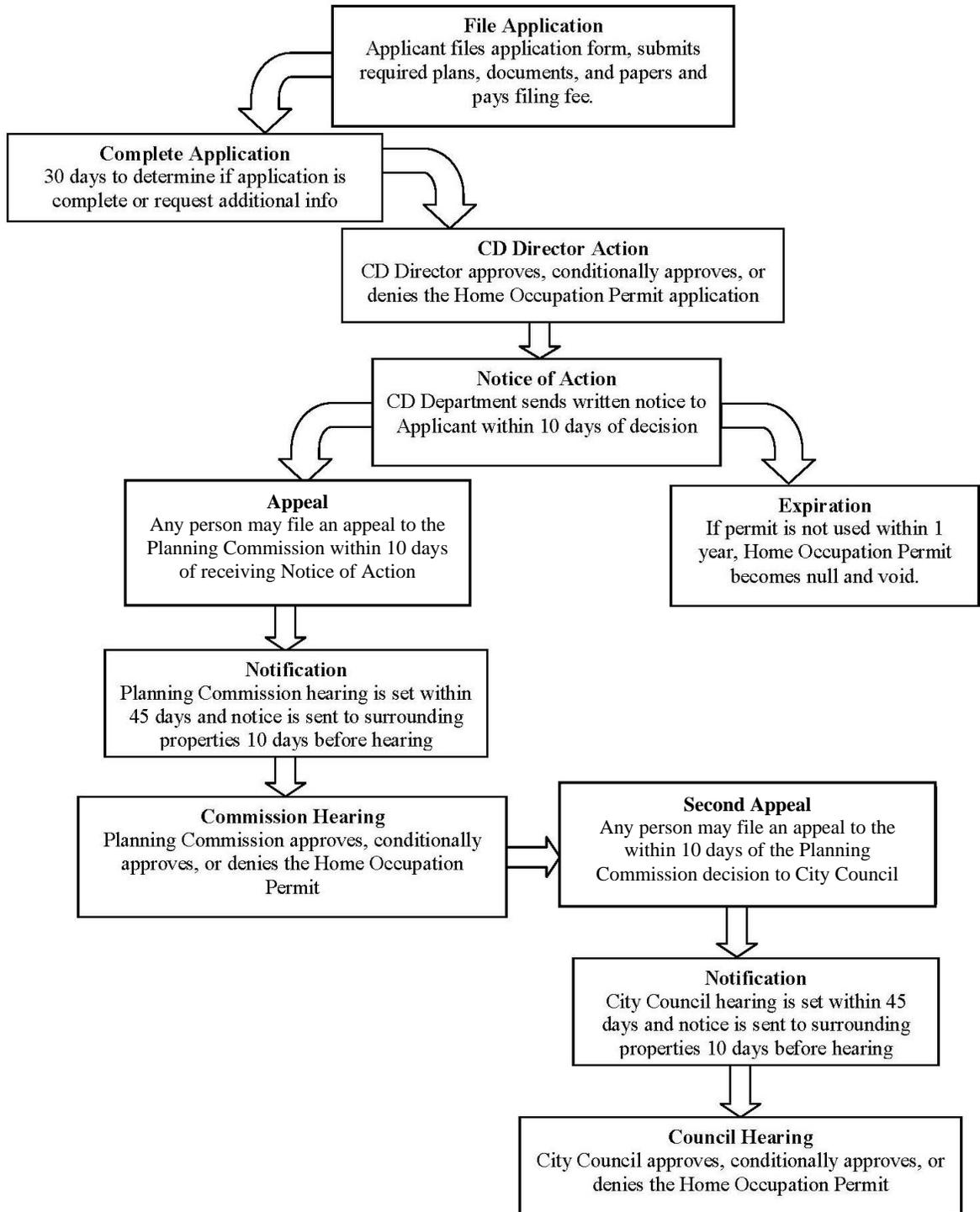
 - 1. *Location.* Home occupations may be allowed in any Residential zone and on lots with an existing dwelling unit, in accordance with the provisions of *Section 18.100.070, Home Occupation Permit* of this Zoning Code.
 - 2. *Operating Standards.* A home occupation shall comply with each of the following regulations:

 - a. A home occupation shall be conducted entirely within a building and shall occupy no more than 400 square feet or more than 25 percent of the livable floor area of the dwelling unit, whichever is less.
 - b. The existence of a home occupation shall not be visible beyond the boundaries of the site.
 - c. A home occupation permit may be granted only to the resident of the dwelling and no one other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of a home occupation.
 - d. A home occupation shall not create pedestrian, automobile or truck traffic in excess of the normal amount in the zone in which it is located.
 - e. No motor vehicle repair, medical office, clinic, laboratory, carpentry, cabinet making, beauty shop nor barber shop shall be permitted, and a home occupation shall not include a sales room or office open to visitors.
 - f. There shall be no on-site advertising of the name or address of the home occupation or the sale of merchandise that attracts persons to the premises.
 - g. There shall be no more than one home occupation in any dwelling unit.

CHAPTER 18.100: ADMINISTRATION

- h. No storage of merchandise, equipment, displays, or other items or the conduct of the home occupation in required parking, open space, or yard areas shall be permitted.
- i. There shall be no use of mechanical equipment, appliance, or motor that generates noise detectable from outside the building.
- j. Storage of materials and/or supplies, indoors or outdoors, shall not be allowed that will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.
- k. No vehicle larger than a 3/4-ton pick-up truck used primarily for the business shall be parked outside an enclosed garage.
- l. No garage space shall be used for the home occupation, if the garage space is necessary to satisfy off-street parking requirements for the residence.
- m. A home occupation shall operate no earlier than 8 a.m. and no later than 9 p.m. on any given day.
- n. A home occupation shall be required to have a valid and current Business License from the City.
- o. In order for a home occupation permit to be issued, there shall be no existing violations on that property on which the home occupation would occur.

FIGURE C
HOME OCCUPATION PERMIT PROCESS



CHAPTER 18.100: ADMINISTRATION

18.100.080 Temporary Use Permit and Standards.

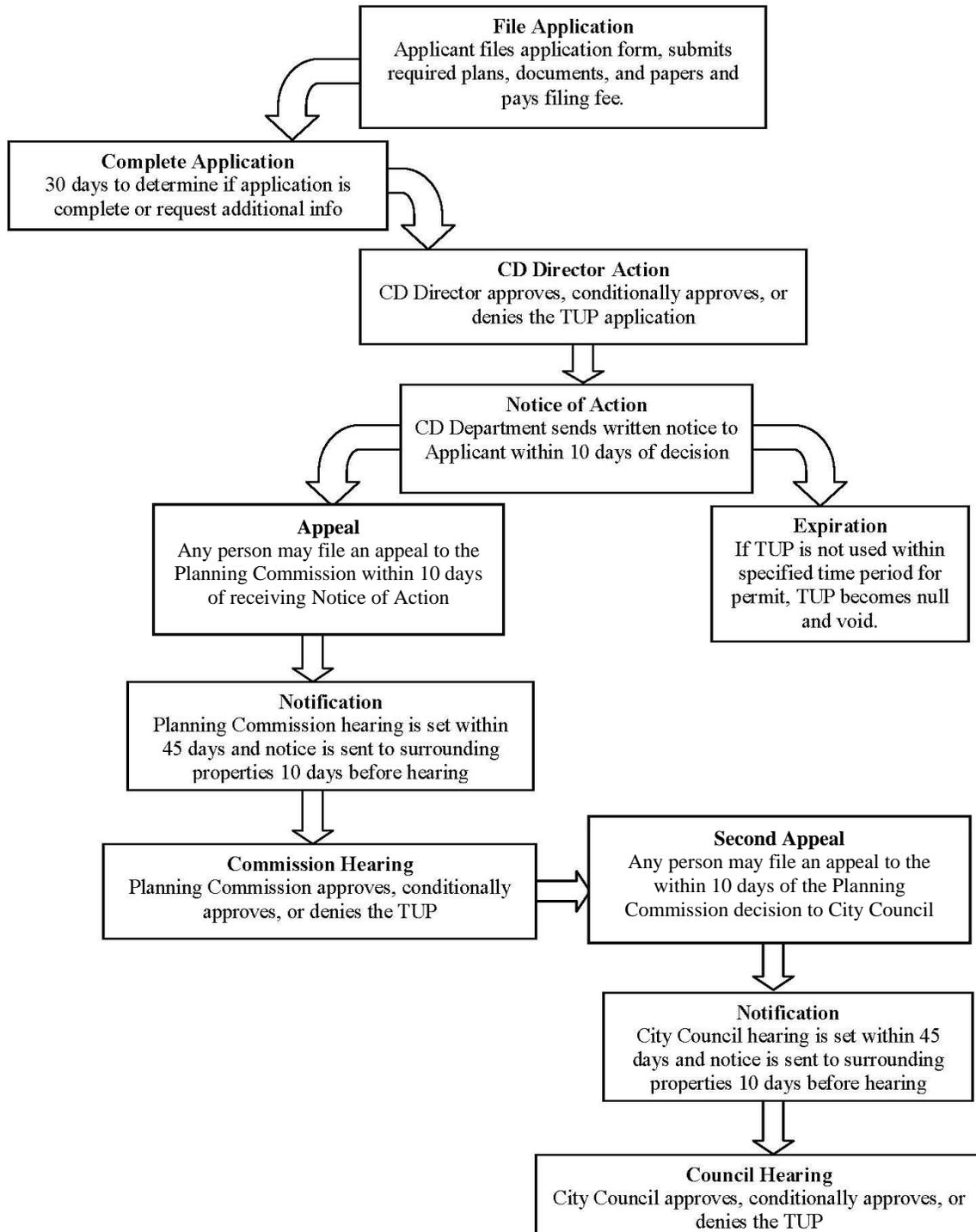
- A. Purpose.** Temporary land uses occur within a specified time period and have short-term impacts on the surrounding community or the environment. These uses are subject to approval of a Temporary Use Permit by the Community Development Director.
- B. Application.** Applications for Temporary Use Permits shall be submitted for uses allowed as temporary uses in the applicable zone, as listed in *Section 18.40.070, Permitted Uses in Residential Zones* and *Section 18.60.050 Permitted Uses in Non-Residential Zones*.
- C. Processing.** The Community Development Director may grant or deny a Temporary Use Permit, approve with conditions, or require modification of the proposal to comply with specified requirements or local conditions. Permit processing and approval of a Temporary Use Permit shall follow the procedures shown in Figure D.
- D. Recommendation and Decision.** The Community Development Director shall consider all applications for Temporary Use Permits, whose decision is final, unless an appeal is filed to the Planning Commission in accordance with *Section 18.100.170, Appeals*, below.
- E. Required Findings.** A Temporary Use Permit shall not be approved unless the proposed use will be located, operate, and maintained in a manner consistent with the policies of the General Plan and the provisions of this Zoning Code; and will not be detrimental to the property or improvements in the surrounding area or the public health, safety, or general welfare.
- F. Time Limits.** Temporary Use Permits shall be issued no more than one time per year for a specific use on a specific property.
- G. Standards.** Temporary uses shall be subject to the development standards outlined below.
1. *Temporary Construction Buildings.* Temporary structure for the housing of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, subject to the following standards:
 - a. A building permit for the manufactured office, portable office trailer, or recreational vehicle during construction is issued. Structure is not permanently affixed to the lot.
 - b. Potable water and sanitation facilities are available on the site
 - c. This use is allowed for 1 year.
 - d. The structure shall be removed within 30 days after completion of the project or 30 days after any temporary termination of construction work.
 2. *Temporary Construction Signs.* Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a 12-month period. Refer to Section 18.90.050 Subsection J for temporary sign provisions.
 3. *Temporary Real Estate Tract Office.* One real estate tract office may be located on any new tract or subdivision of six lots or more; provided the activities of the office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that the real estate tract office shall be removed at the end of a 12-month period measured from the date of the recording of the parcel map upon which the office is located.
 4. *Sidewalk or Parking Lot Sales, Christmas Tree Sales.*

CHAPTER 18.100: ADMINISTRATION

- a. Christmas trees sales are regulated by Chapter 5.16 of the Hawaiian Gardens Municipal Code.
 - b. Display of merchandise during temporary events shall not reduce off-street parking to a point that customer parking is severely impacted.
 - c. Parking lot sales shall not be allowed for more than 15 consecutive days or more than 30 days within each calendar year.
5. *Carnivals, Circus, Rodeos, Street Fairs, and Parades.* These uses are regulated under Chapter 5.14 of the Hawaiian Gardens Municipal Code.
6. *Other Temporary Uses.* Any temporary use not specifically identified above in this Section shall be subject to the approval of the Community Development Director and subject to the following conditions:
- a. The temporary use would not affect traffic and pedestrian circulation on the surrounding public right-of-ways and the internal parking areas and driveways on the lot.
 - b. The temporary use would not create a public safety or health hazard.
 - c. The temporary use would not adversely affect the primary use of the lot or the adjacent land uses.
 - d. The temporary use would not result in the demand for public services or utilities which the City or service agencies cannot adequately provide.
 - e. The temporary use would be conducted for a limited time period and for one time only during one calendar year on a specific property.

FIGURE D

TEMPORARY USE PERMIT PROCESS



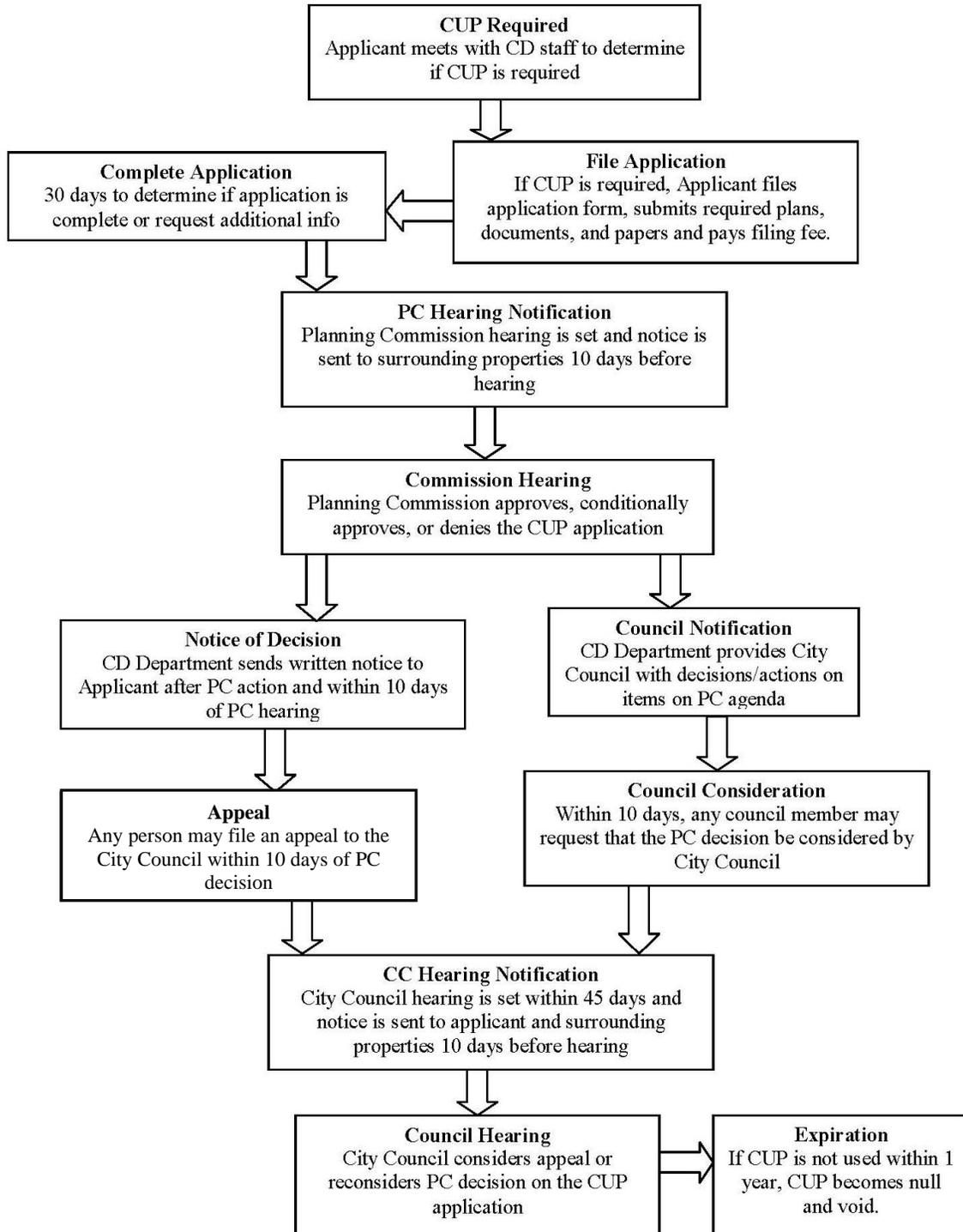
18.100.090 Conditional Use Permit.

The City recognizes that certain types of land use, due to the nature of the use, require individual review. Such review shall determine whether the type of use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development conditions, can be made compatible with surrounding uses. This Section establishes procedures for this review.

- A. Application.** Applications for Conditional Use Permits (CUP) shall be submitted for those uses specified as conditional uses in the applicable zone, as listed in *Section 18.40.070, Permitted Uses in Residential Zones* and *Section 18.60.050, Permitted Uses in Non-Residential Zones*.
1. Only one CUP may be granted for each use. Activities, operations, or land uses that would require multiple CUPs shall be processed as a separate CUP.
 2. No general or blanket CUP shall be issued for a development project. Rather, the CUP shall be specific to the use or activity currently proposed on the site, building or portion thereof and will not be applicable to any future use.
 3. A proposal that does not comply with an applicable development standard shall require either a Minor Exception or a Variance and shall be processed concurrently with the CUP.
- B. Recommendation and Decision.** Permit processing and approval of a Conditional Use Permit shall follow the procedures shown in Figure E. The Community Development Director shall make recommendations on CUP applications, for consideration and approval, conditional approval or denial by Planning Commission. The City Council will serve as the appeal body, in accordance with *Section 18.100.170, Appeals*, below.
- C. Exceptions.** Applications for the minor expansion of a structure covered by an existing Conditional Use Permit shall be considered by the Community Development Director. Such minor expansion is limited to 20 percent of the floor area of the existing use or 5,000 square feet, whichever is less. The Community Development Director may approve, approve with additional conditions, or deny the application. Any expansion exceeding this limit shall be considered a new application for a conditional use and shall be subject to review by the Planning Commission, and the required fees and procedures established for a new application. This exception does not apply to the sale of alcoholic beverages.
- D. Required Findings.** The Planning Commission shall consider applications for a Conditional Use Permit and may, with such conditions as are found necessary, approve the use, provided the use will not jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, or be materially detrimental to the property of other persons located in the vicinity of such use. In making such determination, the Planning Commission shall make the following findings:
1. That the proposed conditional use is consistent with the General Plan.
 2. That the nature, condition, and development of adjacent uses, buildings, and structures have been considered, and the proposed conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures, and will be in compatible with the character of the surrounding area.

CONDITIONAL USE PERMIT PROCESS

3.



CHAPTER 18.100: ADMINISTRATION

That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other land use development features prescribed in this Zoning Code and required by the Planning Commission or City Council in order to integrate the use with existing and planned uses in the vicinity.

- E. Conditions.** Conditions imposed by the Planning Commission for a conditional use may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:
1. Open space and buffer areas.
 2. Fences and walls.
 3. Parking facilities, including vehicular ingress and egress, and the surfacing of parking areas and driveways.
 4. Public facilities, dedications, and improvements.
 5. Landscaping and maintenance.
 6. Regulation of nuisance factors associated with the particular use and situation.
 7. Regulation of operating hours or activities.
 8. Additional regulation of signs or advertisement.
 9. A specified time period within which development or use shall begin and end.
 10. Provisions for surety that the conditional use will be removed on or before a specified date or under specific situations.
 11. Provision of appropriate pedestrian amenities.
 12. Screening and proper orientation of architectural elements.
 13. Aesthetic treatments, including color palettes, as necessary to integrate the use into the surrounding community.
 14. Any other conditions deemed necessary to provide for the orderly and efficient development or operation of the conditional use in accordance with the goals and policies of the General Plan.
- F. Posting of Conditions.** All conditions pertaining to the operation of the conditional use shall be permanently posted, on a form provided by the Community Development Director, at a location clearly visible to the public utilizing the facility. This provision shall apply to all facilities for which a Conditional Use Permit has been issued.
- G. Annual Re-inspection.** Certain uses, as a condition of approval, may be required to undergo an annual re-inspection to verify compliance with the conditions of approval. The property owner shall be required to pay an annual fee to the City as established by resolution of the City Council to cover the costs of the re-inspection.
- H. Continuing Validity.** A Conditional Use Permit, granted pursuant to the provisions of this Section, shall run with the use of the property and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land, unless the use is discontinued for the period set in *Section 18.100.020L, Permit Expiration* or a time limitation for the permit is specified as a condition of approval.

CHAPTER 18.100: ADMINISTRATION

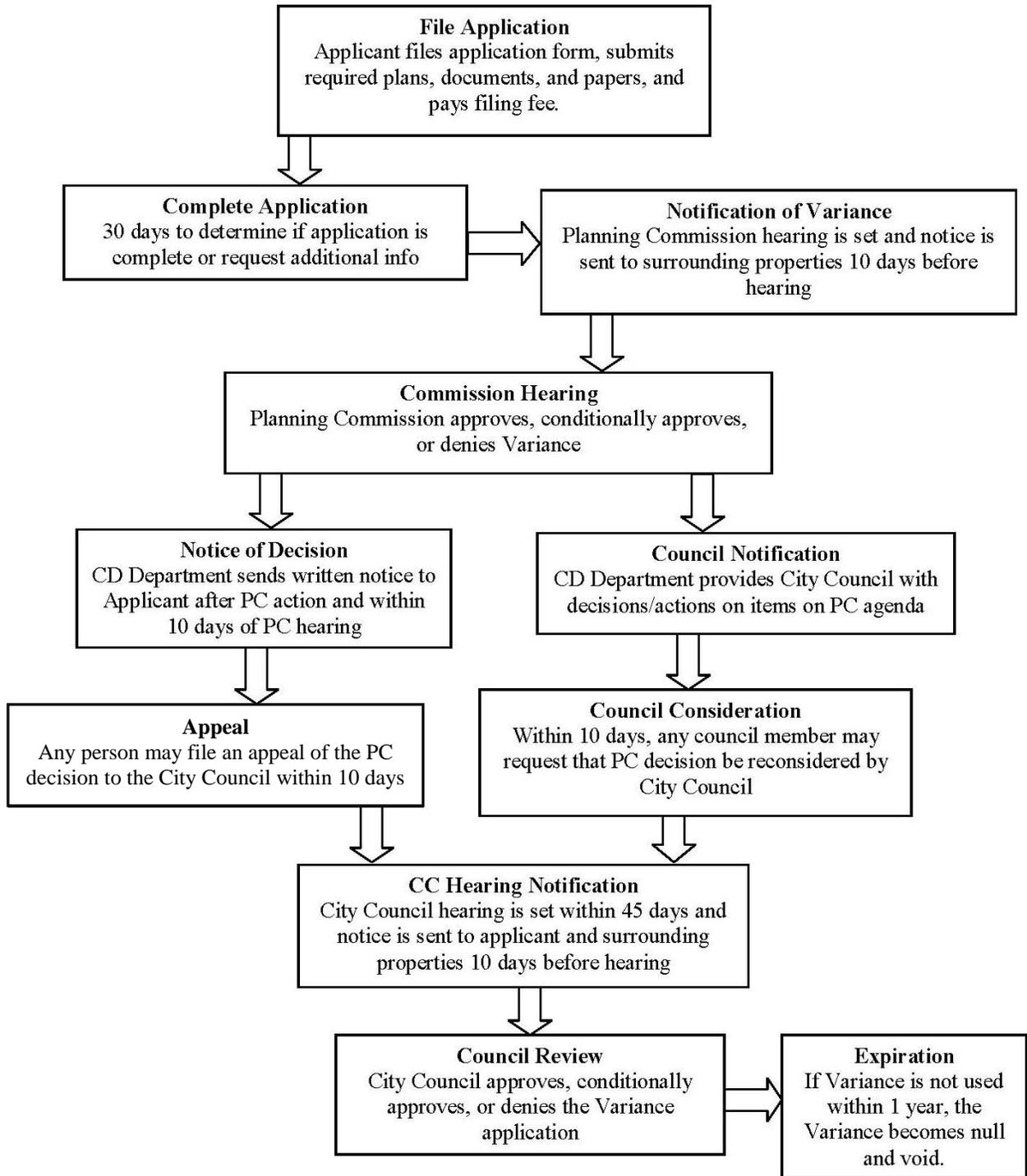
- I. Performance of Imposed Conditions.** Whenever a Conditional Use Permit is granted or modified and is subject to one or more conditions, the Director or Planning Commission may require that the applicant implement or comply with all conditions prior to issuance of the Occupancy Permit.

18.100.100 Variances.

- A. Purpose.** The City recognizes that certain properties, due to their unique size, shape, location, or other physical condition, cannot be developed in strict accord with the regulations of this Zoning Code. Therefore, this Section establishes guidelines and procedures for the granting of relief from certain provisions or the development standards contained in this Zoning Code, in specific situations.
- B. Applicability.**
1. A variance shall be considered when there are specific physical circumstances that distinguish a project site from its surroundings and these unique circumstances create an unnecessary hardship for the applicant if the usual zoning standards are imposed.
 2. A variation from specific development standards of the zoning regulations shall be known as either a Minor Exception or a Variance depending on the degree to which variation from the proposed zoning regulations is proposed.
 3. The variance procedure shall not apply to situations where the use is not permitted in a zone or the proposed residential density exceeds the maximum residential density permitted in a zone for any given lot size.
- C. Approval Authority.** The Community Development Director shall make a recommendation to the Planning Commission and the Planning Commission shall consider a proposed Variance and may approve, conditionally approve, or deny the request subject to the findings set forth below. Figure F shows the process for obtaining a Variance.
- D. Criteria.** A Variance shall be required for any application that exceeds or does not meet the criteria for a Minor Exception, as outlined above in *Section 18.100.060, Minor Exceptions*.
- E. Required Findings.** The Planning Commission may grant a Variance, with such conditions as are found necessary to protect the public health, safety, and general welfare and assure compliance with the provisions and standards included in this Zoning Code, provided the following findings can be made:
1. That the variance is consistent with the Hawaiian Gardens General Plan and other applicable City policies and regulations and that there would be no adverse impacts on the environment; and
 2. That there are exceptional or extraordinary circumstances or conditions applicable to the subject property which do not apply generally to other properties in the same zone in which the project is located; and
 3. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zone with similar constraints; and
 4. That the Variance request is made on the basis of a hardship condition and not as a matter of convenience or cost; and
 5. That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and

FIGURE F

VARIANCE PROCESS



CHAPTER 18.100: ADMINISTRATION

- F. Conditions.** Conditions of approval that are imposed by the Planning Commission for a Variance may involve any pertinent factors affecting the establishment, operation, or maintenance of the requested use, including, but not limited to:
1. Open spaces and buffer areas.
 2. Fences and walls.
 3. Parking facilities, including vehicular ingress and egress, and the surfacing of parking areas and driveways.
 4. Public facilities, dedications, and improvements.
 5. Landscaping maintenance.
 6. Aesthetic treatments, including color palettes, as necessary to integrate the use into the surrounding community.

18.100.110 Specific Plans.

The purpose of this Section is to establish uniform procedures for the adoption and implementation of Specific Plans, for the coordination of future development within the City, consistent with *Section 18.80.030, Specific Plan Zone* of this Zoning Code and pursuant to Government Code Section 65450 et seq.

- A. Permitted Uses.** Permitted uses in the Specific Plan zone are outlined within the approved Specific Plan and are not subject to the permitted uses and conditional use permits set forth in *Section 18.40.070, Uses Permitted in Residential Zones* and *Section 18.60.050, Uses Permitted in Non-Residential Zones*.
- B. Development Standards.** Land use and development of the area within the Specific Plan zone are guided by the provisions of the adopted Specific Plan, on file with the Community Development Department.
- C. Application.**
1. *Application Package.* The applicant shall submit completed application forms, fees and required plans and reports, as outlined in *Section 18.100.020, Administrative Procedures*.
 2. *Specific Plan.* In addition to those required under Section 18.100.020 of this Zoning Code, a Specific Plan application shall include a proposed Specific Plan document that provides text and diagrams that contain all of the provisions outlined in California Government Code Sections 65451 and 65452, in addition to all information and related exhibits required by the Community Development Department.
- D. Public Hearing.** Upon receipt of the completed application package or direction of the City Council, and following Department review, public hearings shall be set before the Planning Commission and City Council. Notice of hearings shall be given pursuant to the requirements in Section 18.100.020 of this Zoning Code.
- E. Commission and Council Actions.** The Community Development Director shall make a recommendation to the Planning Commission and the Planning Commission shall make a written recommendation to the City Council on the proposed Specific Plan, whether to approve, conditionally approve or deny, based upon the required findings below. Upon receipt of the Planning Commission

recommendation, the City Council may approve, conditionally approve, or deny the proposed Specific Plan based upon the required findings below.

- F. Required Findings.** A Specific Plan shall only be adopted if all of the following findings are made:
1. The proposed Specific Plan is consistent with the General Plan;
 2. The proposed plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
 3. The subject property is physically suitable for the requested and anticipated development;
 4. The proposed plan shall ensure development that is compatible with existing and proposed development in the surrounding neighborhood;
- G. Specific Plan Consistency.**
1. No public works project, tentative map or parcel map, or other land use entitlement may be approved, adopted or amended within an area designated as a Specific Plan Zone, unless found consistent with the approved Specific Plan.
 2. Proposed development within an approved specific plan requires site plan review and approval by the Community Development Director and such development shall conform to the standards of the approved Specific Plan for the site.
 3. Proposed amendments to an approved Specific Plan require consideration by the City Council.
- H. Effective Date.** Specific plans shall be adopted by ordinance and shall be effective 30 days after the final reading of such ordinance.

18.100.120 Development Agreements.

The purpose of this section is to establish procedures and requirements for the City's consideration of development agreements upon application by, or on behalf of, a property owner or other person having a legal or equitable interest in the property that is to be the subject of a development agreement. In adopting this section, the City Council has considered the general plan of the City and the legislative findings and declarations set forth in Section 65864 of the Government Code.

- A. Application.**
1. A developer wishing to enter into a development agreement with the City shall submit to the Community Development Department a written application on a form provided by the Department.
 2. The Community Development Director may require the developer to submit additional information and supporting data as may be necessary to properly evaluate the proposed development agreement.
 3. The written application required in this section shall be accompanied by a non-refundable processing fee in an amount set by resolution of the City Council.
 4. Each application shall be accompanied by the form of development agreement proposed by the applicant.

CHAPTER 18.100: ADMINISTRATION

B. Hearing by Planning Commission.

1. The Community Development Director shall make recommendations and refer all applications for development agreement to the Planning Commission and City Council for public hearings.
2. Upon receipt of the complete application, the Community Development Director shall set a date for the public hearing.
3. The Community Development Director shall insure that the public is given proper notice of said public hearing in accordance with *Section 18.100.020, Administrative Procedures* of this Zoning Code and applicable state planning, zoning and development laws.

C. Conduct of Hearing. The public hearing held pursuant to this section shall be conducted as nearly as may be possible in accordance with the procedural standards adopted under Government Code Section 65804 for the conduct of zoning hearings.

D. Determination. After the hearing, the Planning Commission shall forward its written recommendation on the application to the City Council. The recommendation shall include the Planning Commission's determination of whether or not the proposed development agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan;
2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use zone in which the real property is located;
3. Is in conformity with public convenience, general welfare, and good land use practice;
4. Will be detrimental to the public health, safety, and general welfare;
5. Will adversely affect the orderly development of property or the preservation of property values.
6. Is consistent with Government Code Section 65864 through 65869.5.

E. Hearing by City Council.

1. After receiving the written recommendation of the Planning Commission, the Director shall set a date for a City Council public hearing on the matter.
2. The City Clerk shall insure that the public is given notice of the public hearing in accordance with *Section 18.100.020, Administrative Procedures* and applicable state planning, zoning, and development laws.

F. Action by City Council.

1. At the public hearing, the City Council may approve, modify, or disapprove the recommendation of the Planning Commission. The Council may refer back to the Planning Commission, for report and recommendation, matters not previously considered by the Planning Commission.
2. Upon receipt of a referral above, the Planning Commission, without further public hearing, shall consider the new matters and report its recommendations in writing to the City Council within forty days after receipt of said referral. Failure to act within the forty-day limit shall constitute a favorable endorsement on the matters set forth in the referral.
3. If the City Council approves the development agreement, it shall do so by ordinance.

CHAPTER 18.100: ADMINISTRATION

- G. *Effective Date.*** The agreement shall be effective 30 days after the final reading of the ordinance approving it and shall only create obligations on the part of the City from and after the date that the ordinance approving the development agreement takes effect.
- H. *Amendment or Cancellation.*** Either party may propose an amendment to or cancellation in whole or in part of a development agreement previously entered into. However, with the exception of modification or revocation, both parties shall agree in writing to an amendment, or cancellation, of a development agreement before it shall be effective.
1. The procedure for proposing an adoption of an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement in the first instance as outlined in this section.
 2. Where the City Council initiates the proposed amendment to or cancellation in whole or in part of the development agreement, the City shall first give notice to the property owner of its intention to initiate such proceedings at least 30 calendar days in advance of the giving of notice of the public hearing regarding the amendment or cancellation.
- I. *Recordation Agreement.***
1. Within ten days after the effective date of the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.
 2. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the City terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.
- J. *Periodic Review.***
1. Development agreements shall be limited in their term to a period not to exceed five years from the effective date of the adopting ordinance.
 2. Notwithstanding the foregoing, the City Council may review the development agreement at least once every twelve months after the effective date of the adopting ordinance (hereinafter called periodic review). The City Council may, on its own motion or on the advice of the Community Development Director, review the development agreement more often than once every twelve months as it is deemed necessary (hereinafter "special review").
 3. The City Council may delegate or refer the periodic review of the development agreement to the Planning Commission or to the City Administrator or his designated representative.
 4. **Notice of Periodic Review.**
 - a. The Community Development Director shall give the developer thirty calendar days' advance notice of the review by placing such notice to the developer into the U.S. mail, first class, postage prepaid, and addressed to such address as the developer has listed in the development agreement.
 - b. The City Clerk shall give the developer notice of a special review in the same manner as provided above for annual review.
 - c. Public notice of periodic or special reviews shall be accomplished as set forth in *Section 18.100.020, Administrative Procedures.*

CHAPTER 18.100: ADMINISTRATION

K. Review Hearing.

1. Any periodic review conducted shall be accomplished in the form of a public hearing.
2. The burden shall be on the developer or his successor in interest, to demonstrate good-faith compliance with the terms of the agreement.
3. At the conclusion of the public hearing, the City Council shall make findings regarding whether or not the developer has, for the period under review, complied in good faith with the terms and conditions of the agreement.
 - a. If the City Council finds and determines on the basis of the evidence given that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period shall be concluded.
 - b. If the City Council finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Council may modify or terminate the agreement.
 - c. If the periodic review has been referred by the City Council to the Planning Commission or to the City Administrator or his designated representative, the determination resulting from said review may be appealed in writing to the City Council within ten calendar days after the final action. A hearing shall be conducted in accordance with the City Council's rules for consideration of appeals.
 - d. If the periodic review is conducted by the City Council, the determination resulting from said review shall be deemed to be final for all purposes.
 - e. If the City Council decides to proceed with modification or termination of the agreement, the City Council shall set a hearing date and give notice to the property owner and the public of the hearing.
 - f. The notice required for modification or termination of the agreement shall contain:
4. A statement concerning whether the City proposes to terminate or to modify the development agreement;
5. Other information that the City considers necessary to inform the property owner of the nature of the proceedings.
 - a. Upon concluding said hearing, the City Council may take whatever action it deems necessary to protect the interest of the City.
 - b. The decision of the City Council shall be final.

18.100.130 Nonconforming Uses and Structures.

The purpose of this Section is to promote the public health, safety and general welfare by regulating land uses, lots and structures that were initially lawfully established but that do not conform to the provisions of this Zoning Code. This Chapter is further intended to prevent the expansion of nonconforming uses and structures to the maximum extent feasible, and establish the criteria under which they may be continued, maintained and terminated.

CHAPTER 18.100: ADMINISTRATION

A. Definitions. For the purposes of this Chapter and this Zoning Code, certain words and terms shall be defined as follows:

1. “Nonconformity” means a land use, lot or structure that was lawful when established or constructed but, due to subsequent ordinance changes, is not in conformance with the new zoning regulations. The term “nonconformity” does not include illegal uses, lots, or structures, which were not lawful when established or constructed.
2. “Nonconforming Use” means a land use that was lawful and in conformance with the applicable zoning ordinances when established but that, due to subsequent ordinance changes, is not currently permitted in the zoning district in which it is located. A parcel that exceeds the allowable density in terms of minimum lot area per unit, or not in the proper zone shall also be deemed to be a nonconforming use. An existing use or structure that is subject to a conditional use permit under this Zoning Code shall be considered a nonconforming use until it obtains a conditional use permit under this Zoning Code.
3. “Nonconforming Lot” means a lot or parcel that was lawful and in conformance with the applicable zoning ordinances when established but which, due to subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located.
4. “Nonconforming Structure” means a structure that was lawful and in conformance with the applicable zoning ordinances when constructed but that, due to subsequent ordinance changes, does not conform to all current development standards applicable to the zoning district in which it is located.
5. “Intensity” means an increase in the level of development or activity associated with a land use, as measured by one or more of the following including but not limited to:
 - a. The amount of parking required for the use, as specified in *Section 18.50.010* and *Section 18.70.010, Parking and Loading Requirements*.
 - b. The operational characteristics of the use such as hours of operation, the inclusion of dancing or live entertainment as part of the use, or similar characteristics.
 - c. The floor area occupied by the use.
 - d. The percentage of the building site occupied by the use or by the structure containing the use.

B. Nonconforming Uses.

1. *Continuation of Nonconforming Use.* A nonconforming use may be continued subject to the restrictions of this Section.
2. *Discontinued Nonconforming Uses.* Any discontinuance, closure or vacancy of a nonconforming use in an existing non-residential building or structure for a period of 180 days or more shall be deemed to constitute an abandonment of any nonconforming rights and shall not be allowed to re-establish or continue. Any further use of the conforming building shall be in conformity with the regulations for the zone in which the conforming building is located.
3. *Expansion/Intensification of Nonconforming Uses.*
 - a. A nonconforming use shall not be expanded or increased in intensity.
 - b. A nonconforming use of any structure or site shall not be changed to another nonconforming use.
 - c. There shall be no expansion of a nonconforming use onto an additional parcel, adjacent or otherwise.

CHAPTER 18.100: ADMINISTRATION

- d. A nonconforming use of any structure may be continued, provided, such nonconforming use shall not be expanded or extended into any other portion of the structure.
4. *Restoration of Nonconforming Use.* A nonconforming use occupying a structure that is damaged or destroyed by fire, explosion, earthquake or other disaster may be re-established provided that:
 - a. When a structure has sustained damage that would require repairs estimated to be less than 50 percent of the replacement value of the structure, the Community Development Director shall approve, conditionally approve, or deny the re-establishment through a Minor Use Permit, provided that such nonconforming structures, improvements, and uses shall not be increased in size or area.
 - b. When a structure has sustained damage that would require repairs estimated to be over 50 percent of the replacement value of the structure, the Planning Commission shall approve, conditionally approve, or deny the re-establishment through a Conditional Use Permit process provided that such nonconforming structures, improvements, and uses shall not be increased in size or area.
 - c. Restoration of the structure will not create or increase any nonconformity relating to setback, height, or any other development standard.
 - d. Application for a building permit is submitted within one year of the damage or destruction and construction is commenced and completed within one year under that permit without any lapses of or extensions to the permit.
 - e. Failure to comply with the above provisions shall prohibit the re-establishment of the nonconforming use.
5. *Determination of Replacement Cost.* In determining the replacement cost of a structure, the Director may utilize City building permit records, contractor estimates, assessed valuation, appraisals provided at applicants cost or any other information deemed by the director to be reflective of replacement cost.
6. *Change of Ownership.* Changes in ownership, tenancy, proprietorship or management of a nonconforming use shall not affect its nonconforming status provided that the use or the intensity of use does not change.

C. Nonconforming Lots.

1. Legally established nonconforming lots prior to April 16, 1964, and filed with the Los Angeles County Recorder's Office, may be developed and used in accordance with this Zoning Code provided all development standards other than those relating to the lot's conformity are met.
2. If the lot area is less than 75 percent of the required area, the existing use of the lot shall not be changed or allowed to increase in intensity.
3. Residential legal nonconforming 25 foot lots may be developed with three-foot side yard setbacks, provided that all other development standards are complied with and the adjacent parcel is not vacant. If the adjacent parcel is undeveloped, the property owner shall make every effort to combine the two parcels together. This provision shall only apply to a single development. Only a single-family dwelling unit may be built on 25 parcels and shall be subject to architectural design review of the site Plan Review Process as approved through the Community Development Director.

D. *Nonconforming Structures.*

1. *Continuation of Nonconforming Structure.* Nonconforming structures may be continued and maintained subject to the restrictions of this Section.
2. *Discontinued Nonconforming Structures.* When the use of a property with a non-residential nonconforming structure has ceased for 180 days or more, the use shall be considered abandoned and the nonconforming structure may be re-used only after it is brought into conformity with development standards pertaining to paving, striping, fence/walls, landscaping, trash enclosure and lighting standards subject to an architectural design review of the Site Plan Review process, as approved by the Community Development Director.
3. *Maintenance and Repairs.* Ordinary maintenance and repairs may be made to all nonconforming structures, such as painting, patching, window repair, re-roofing, residing, re-plastering and replacement of incidental nonstructural elements.
4. *Structural Alterations and additions.* Interior or exterior structural alterations, including additions may be made to a nonconforming structure provided the alterations do not increase the degree or extent of the structure's nonconformity nor create any new nonconformities.
5. Alteration, expansion or renovation of any nonconforming structure, that exceeds 50 percent of the existing square footage of the structure, and has more than one nonconforming development standard, shall not be permitted unless the entire structure and property is brought into compliance with all applicable provisions in this Zoning Code and shall be subject to a Site Plan Review process as approved by the Community Development Director. Any property with a zero side yard setback will count as two and automatically require compliance with current standards.
6. A nonconforming structure may be altered as long as the alteration does not increase the existing nonconforming site conditions.
7. No nonconforming structure shall be moved, expanded or enlarged unless the new location or enlargement conforms to all current development standards, as prescribed in the regulations for the district.
8. A nonconforming structure may be altered as long as the alteration does not increase the existing site conditions. The Community Development Director shall make such determination.
9. An expansion of a nonconforming residential structure that does not meet the current parking requirements of this Zoning Code and proposes to add new habitable space shall bring the dwelling unit into compliance with the current parking standards. Exceptions to this requirement shall be allowing the construction of a laundry room for an existing legal non-conforming dwelling unit without an existing laundry room per Section 18.50.100(C)11 *Accessory Structures and Additions* and allowing an accessory structure not to exceed 35 square feet.
10. A residential property that is nonconforming due to lack of required parking that proposes to add a new garage shall be required to bring all parking into compliance with the requirements of this Section. An exception to this requirement shall be lots where the provision of all of the required parking may not be possible because of the configuration of existing structures on the property. In this case, at least 50 percent of the required parking spaces shall be provided.

E. *Damage or Destruction to Nonconforming Structures.*

1. Whenever a structure that does not comply with the standards for front yards, side yards, rear yards, height of structures or distances between structures, prescribed in the regulations for the

CHAPTER 18.100: ADMINISTRATION

district in which the structure is located is destroyed by fire or other calamity, by act of God, or by public enemy, the following regulations shall apply:

- a. When a structure has sustained damage that would require repairs estimated to be less than 50 percent of the replacement value of the structure, the Director of Community Development shall approve, conditionally approve, or deny the restoration project based upon a Site Plan and Architectural Design Review process as approved through the Community Development Director based upon the development standards in effect at the time of construction, provided that such nonconforming structures, improvements, and uses shall not be increased in size or area.
 - b. When a structure has sustained damage that would require repairs estimated to be over 50 percent of the appraised value of the structure, the Planning Commission shall approve, conditionally approve, or deny the restoration project based through the Minor exception or Variance process, provided that such nonconforming structures, improvements, and uses shall not be increased in size or area.
2. *Determination of Replacement Cost.* In determining the replacement cost of a structure, the Director may utilize city building permit records, contractor estimates, assessed valuation, appraisals provided at applicants cost or any other information deemed by the director to be reflective of replacement cost.
 3. *Safety of Structures.* Nothing in this section shall be construed to prevent the strengthening or restoration to a safe condition of any structure declared to be unsafe by an officer of the city charged with protecting the public safety upon order of such officer.

F. *Nonconforming Structures and Nonconforming Uses.*

When the nonconforming use of a nonconforming structure in a non-residential zone has ceased for a continuous period of 180 days or more, the use shall be considered abandoned and the structure may be reused only after it is brought into conformity with applicable provisions in this Zoning Code.

G. *Nonconforming Signs and Walls.*

1. Properties with nonconforming signs, fences, or walls may continue to be used subject to the restrictions of this Section.
2. Nonconforming fences and walls may not be enlarged or altered unless they will conform to the regulations of this Zoning Code.
3. Nonconforming signs shall not be altered, moved or reconstructed unless brought into compliance with applicable provisions in this Zoning Code. Abandoned signs shall be removed within 90 days of termination of use.

H. *Illegal Uses and Structures.*

Nothing in this Chapter shall be construed so as to allow for the continuation of illegal land uses or structures, i.e., uses or structures, which did not comply with the zoning ordinance(s) in effect when they were established. Such illegal uses or structures shall be subject to the enforcement provisions of the Municipal Code and shall be removed immediately.

I. Exceptions.

The purpose of this section is to preserve residential development rights for properties that were legally developed as residential and have been re-zoned to a non-residential zone.

1. **Non-Conforming Uses & Structures.** Properties previously zoned residential with legally established residential uses that have been re-zoned non-residential may continue to be used and developed in compliance with the R-2 development standards including but not limited to, expansion and construction of additional units.
 - a. **Vacant Properties.** Vacant properties can be developed in compliance with the R-2 development standards or the non-residential development standards but cannot be developed as both.
 - b. **Non-Residential Development.** If the property is developed into a non-residential use in conformance with the non-residential zone the property will lose its non-conforming exception status and must from that point forward conform to the existing zone.
 - c. **Damage or Destruction to Nonconforming Residential Structures.** Residential structures in non-residential zoned properties that are damaged or destroyed can be re-constructed to the R-2 development standards.

18.100.140 Zone Change and Zoning Code Amendments.

- A. **Purpose.** The purpose of this Section is to allow for changes and modifications to the Zoning Code, as well as to the permits and approvals granted under this Zoning Code.
- B. **Zone Change or Zoning Code Amendments.** The purpose of this Zoning Code is to provide for the proper location of land uses, and to that end to classify, insofar as it is practicable to do so, types of land use in order to provide one or more zones in which each type of land use shall be permitted. This objective is ongoing and may require a change of zone from that previously established in conformance with the General Plan. Changes to the development standards and procedures for implementing the Zoning Code may also occur as determined appropriate by the City. The process for a Zone Change or Zoning Code Amendment is shown in Figure G.
 1. **Authority.** The boundaries of the zones established by this Zoning Code, the classification of property uses therein, development standards and any change in wording, context, or substance may be changed when adopted by ordinance by the City Council.
 2. **Authorization for Initiation.**
 - a. Applications or petitions for a change of zone may only be initiated by either
 - 1) The verified application of the recorded owner or owners of the subject property or authorized agent thereof; or
 - 2) The Community Development Director, Planning Commission or City Council through its own motion.
 - b. Petitions for an amendment to the zoning ordinance text may only be initiated by the Community Development Director, Planning Commission or City Council.
 3. **Application Filing.** Applications for change of zone or amendment to the Zoning Code text shall be made on forms available in the Community Development Department. Applications shall contain all required information relevant to the proposed action, including but not limited to

CHAPTER 18.100: ADMINISTRATION

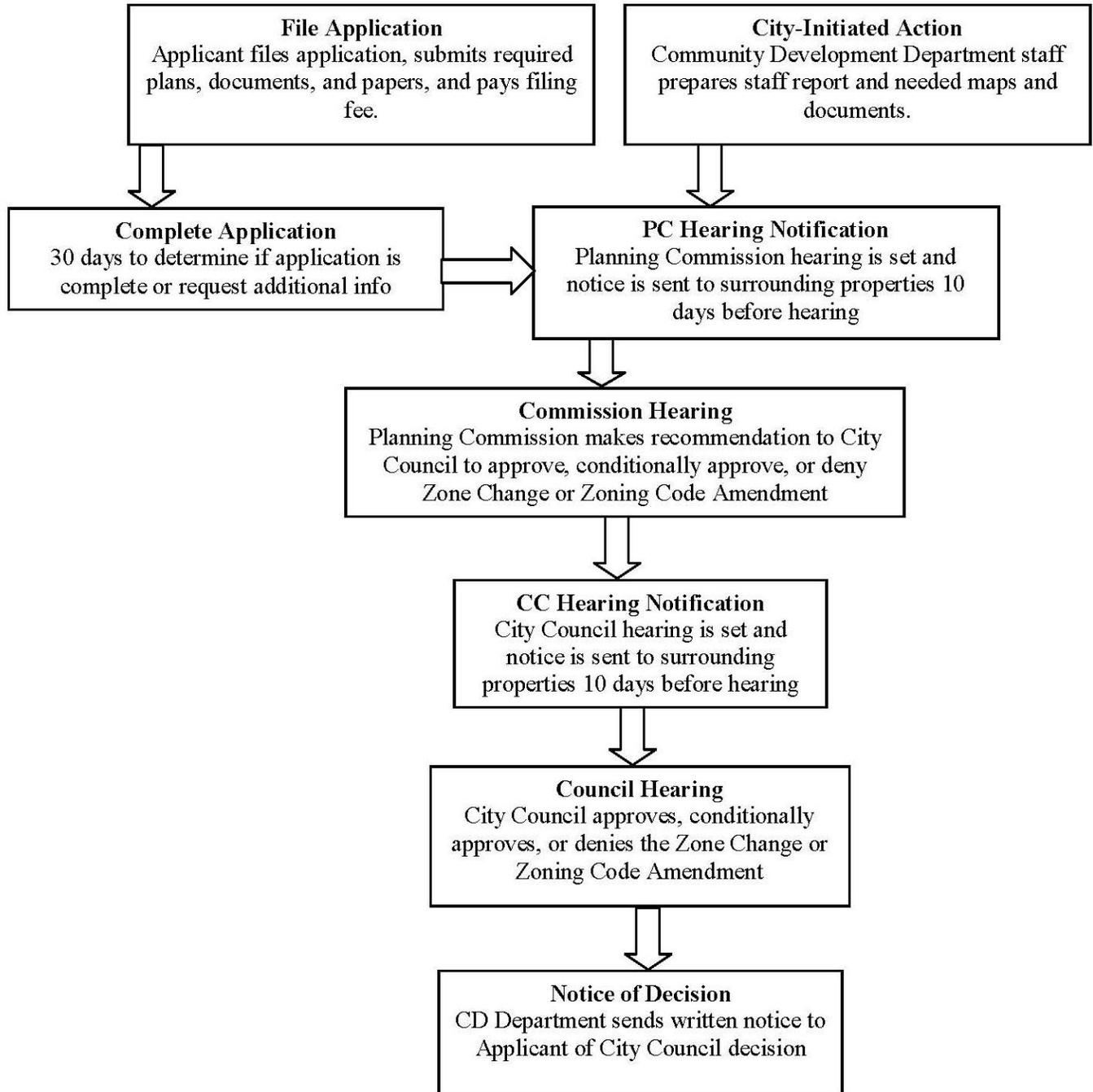
maps, drawings to scale of land and buildings, dimensions, descriptions and data necessary to demonstrate that the proposed change of zone or amendment is in general conformance with the General Plan.

Where a proposed zone change or Zoning Code amendment is not in conformance with the General Plan, a concurrent application for a General Plan amendment shall also be made. These applications and accompanying materials shall be filed with the Community Development Department. No application shall be accepted unless it complies with such requirements.

4. *Filing Fees.* Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each application for zone change or Zoning Code amendment for the purpose of defraying the expense of postage, posting, advertising and other costs of labor and materials incidental to the proceedings prescribed herein.
5. *Public Hearings and Notice.* Upon acceptance of an application for change of zone or Zoning Code amendment, or where Council has initiated the proceedings for a change of zone or amendment, the Community Development Director shall set the petition for hearing before the Planning Commission; thereafter the Community Development Director shall set the petition for hearing before the City Council by notifying the City Clerk. The notice of public hearings shall be made in accordance with *Section 18.100.020, Administrative Procedures* of this Zoning Code.
6. *Withholding Of Building Permits When Change Of Zone Pending.* The Community Development Director, upon the filing of a petition asking that a property be placed in a new zone, may direct other City departments to withhold the issuance of a permit for the erection, construction, alteration or change of any building, structure or improvement within such property that would not conform to the requirements for the existing and proposed zone, and any permit issued in violation of this Section shall be void. No building permit shall be withheld more than 90 days from the filing of said petition unless an additional extension of no more than 90 days has been approved by the Council; provided, however, that when an environmental impact report is involved, an additional extension of up to one year may be made. In the case of Council initiated zone changes, the City may withhold building permits while the zone changes are pending subject to the same time limitations.
7. *Recommendation of Planning Commission.* The Planning Commission shall hold a public hearing and consider all evidence presented for and against the proposal for change of zone or Zoning Code amendment and shall consider all arguments pertinent thereto. The Planning Commission's recommendation shall be submitted to the City Council.
8. *Action by City Council.* The City Council shall hold a public hearing on the proposed change of zone or amendment to the Zoning Code, taking into consideration the Planning Commission recommendation. The City Council shall approve, approve with modifications, or disapprove the zone change application or amendment to the Zoning Code. The decision of the City Council shall be final.
9. *General Plan Amendment.* Whenever the Council has taken action to amend the General Plan and where such amendment contemplates zoning that is more restrictive than the existing zone, the provisions of this Section shall not apply. The Council may, by separate action, withhold the issuance of a building permit pending adoption of a more restrictive zoning affecting specific parcels of property.

FIGURE G

ZONE CHANGE AND ZONING CODE AMENDMENT PROCESS



CHAPTER 18.100: ADMINISTRATION

18.100.150 Permit Amendments and Modifications.

- A. Purpose.** The purpose of this Section is to establish decision criteria and procedures for amendments to permits previously issued by the City. Minor modifications to existing discretionary use permits shall be reviewed under this Section. An administrative review process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with applicable regulations and that such uses are compatible with adjacent uses, planned uses, the character of the vicinity, and the General Plan.
- B. Minor Amendments.** A Minor Amendment is a limited change of a land use, administrative use, or permit that is reviewed and approved by the Director without public notice or public participation. The following procedures shall be required for all minor amendments.
1. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
 2. Minor amendment applications may be routed to any City department or any agency with jurisdiction. This distribution shall be at the discretion of the Community Development Director.
 3. Minor amendments may be approved or modified with conditions for approval by the Community Development Director provided substantial conformance to the original permit is made and all of the following requirements are met:
 - a. For any proposal that results in a change of use, said use shall be permitted as a principal use in the current zone classification.
 - b. A change to a condition of approval does not modify the intent of the original condition.
 - c. The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.
 - d. The proposal does not add more than 10 percent gross square footage of structures to the site.
 - e. The proposal does not increase the overall residential density of a site.
 - f. The proposal does not change or modify housing types.
 - g. The proposal does not reduce designated open space.
 - h. The proposal does not increase the overall impervious surface on the site by more than 25 percent.
 - i. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements in this Section shall be considered a major amendment and shall follow the same procedure required for the initial application.
 4. Minor amendment decisions shall be in writing and attached to the official file.
 5. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
 6. Copies of the decision shall be mailed to all parties of record.
 7. Examples of minor amendments include, but are not limited to: adjustments to the parking area layout, restriping of parking, or site access location; additions of fences, retaining walls, and mechanical equipment; adjustments to building height; adjustments to the landscaping plans such as changes to plant materials; adjustments to the location of structures provided the adjustment is

generally consistent with the original approval; and the elimination of a portion of an approved project.

C. Major Amendments.

1. Any modification exceeding any of the provisions for Minor Amendments above shall follow the same procedure required for the original application.
2. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
3. Any modification that requires a permit other than the type granted for the original application shall require the new permit application and approval.

18.100.160 Suspension or Revocation of Discretionary Permits.

A. Purpose. The Community Development Director, the Planning Commission, or the City Council may recommend the suspension, revocation and/or modification of any previously approved application or granted entitlement, after holding a properly noticed public hearing on the matter, where any of the following findings are made:

1. That the approved application or entitlement was obtained by fraud; or
2. If the approved application or entitlement is not being exercised, subject to the time limits set in *Section 18.100.020 L, Permit Expiration* above, the permit shall be rendered void as a matter of law; or
3. That the approved application or entitlement has ceased or has been suspended for a period of time, as set in *Section 18.100.020 L, Permit Expiration* above, and is causing detriment to the public health, safety and welfare or constitutes a public or private nuisance; or
4. That the use for which the approved application or entitlement was granted or permitted is being or has been operated or used contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation; or
5. If any provision of an approved application or entitlement is held or declared invalid, the approved application or entitlement shall be void and all privileges granted thereunder shall lapse.

B. Effective Date of Revocations and Modifications. An order by the City Council suspending, revoking or modifying an entitlement shall become effective immediately.

CHAPTER 18.100: ADMINISTRATION

18.100.170 Appeals.

- A. Purpose.** Any interested person adversely affected by the Director's or Planning Commission's decision on an application under this Zoning Code may appeal to the designated appeal bodies, as shown in *Section 18.100.010* above.
- B. Appeal Period.** Appeals shall be made by submitting written notice to the City Clerk within 10 days of the decision. No appeal shall be accepted after the appeal period has expired. The appeal shall specifically state where a determination or interpretation is not in accord with the purpose of this Title, where the decision was made inconsistently with this Zoning Code ; where the record includes inaccurate information; or where a decision is not supported by the record. All appeals shall be heard within 45 days of the appeal request by the appropriate body, notices will be sent to the applicant and those notified for the original application.
- C. Fees and Charges.** Fees and charges for processing an appeal shall be paid at the time of filing the appeal, in accordance with the City's fee schedule, as set forth by resolution of the City Council.
- D. Council Consideration of Commission Decision.** In accordance with *Section 18.100.020, Administrative Procedures*, a Council member may request that a Community Development Director or Planning Commission decision be considered by the City Council. This consideration by the City Council will serve as the appeal process for the project. The decision of the City Council during the consideration shall be final, after which no other appeal will be considered.
- E. Notice and Hearing.** Appeals and the required hearings shall be conducted as provided in *Section 18.100.020, Administrative Procedures* and *Section 66452.5(a)* of the Government Code.
- F. Decision Criteria.**
1. The appeal body shall make the same findings and use the same criteria as the decision-making body whose action is appealed.
 2. If new plans are submitted during the appeal process, this shall be considered as a new request and therefore, a new application shall be submitted.
 3. Nothing herein shall prevent the appellate or review body from imposing conditions on a project and granting approval to a project modified by conditions imposed as part of the decision.
 4. The decision of the City Council shall be final.
- G. Notice of Decision.** The City Clerk or secretary of the appellate body shall mail notice of the appeal decision within 10 working days after the decision to the applicant, the appellant and any other party requesting such notice. This decision shall be considered a final determination on the proposal.

18.100.180 Enforcement.

- A. Purpose.** The purpose of this chapter is to promote compliance with this Title and any conditions of approval for the protection of the public health, safety and welfare of the City.
- B. Code Enforcement.** It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Zoning Code or conditions of approval of an entitlement. A violation of any of the provisions or the failure to comply with any of the mandatory requirements of this Zoning Code shall be subject to the regulations outlined in Chapter 1.12 Enforcement of Codes and Chapter 1.13 Administrative Citations of the Hawaiian Gardens Municipal Code, with applicable penalties.
- C. Permits, Certificates, and Licenses.** All officials, departments, and employees of the City vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this Title and shall issue no permit, certificate, or license that conflicts with the provisions of this Title. Any permit, certificate, or license issued in conflict with the provisions of this Title shall be void.
- D. Enforcement Responsibility.** The Community Development Director and/or designee shall be the Code Enforcement Official responsible for the enforcement of this Title.
- E. Business License.** No business license shall be issued unless the Community Development Director has indicated to the Business License Clerk that the use is in compliance with all applicable zoning standards.
- F. Approvals and Issuance.** The Community Development Director shall require with any development application that all code violations or expired building permits that exist on any structure or property shall be remedied prior to approving any land use entitlement.
- G. Stop Work Order.** Any construction or use in violation of this Zoning Code or conditions imposed on a permit shall be subject to the issuance of a “STOP WORK ORDER”. Any violation of a Stop Work Order may be punishable as outlined in Chapters 1.12 and 1.13 of the Hawaiian Gardens Municipal Code.
- H. Utility Connections.** The Building Inspector shall not authorize connection of any utilities, such as electrical energy, until all of the provisions of this Zoning Code or conditions of approval have been complied with.
- I. Certificate of Occupancy.** A Certificate of Occupancy shall be required for each new occupancy or change in an existing occupancy. Both the Community Development Director and the Building Official shall sign the Certificate of Occupancy.
- J. Public Nuisance.** The following acts and conditions when performed or existing upon any building, structure, lot or parcel of land within the City are declared to be unlawful and are defined as and declared to be public nuisances that are injurious or potentially injurious to the public health, safety and welfare, that have a tendency to degrade the appearance and property values of surrounding property or that cause damage to public rights-of-way:

 - 1. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Zoning Code, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this Zoning Code shall be, and the same is declared to be unlawful and a public nuisance.

CHAPTER 18.100: ADMINISTRATION

2. Any building or structure set up, erected, constructed, altered, enlarged, converted, or moved without the necessary permits and approvals from the City shall be considered as an illegal structure and declared to be unlawful and a public nuisance.
 3. Failing to secure required land use or permit approval prior to establishing a permitted use.
 4. Failing to maintain site improvements including but not limited to walls, trash enclosure, lighting, landscaping and parking as required by this Zoning Code.
 5. Violations of property maintenance standards including but not limited to outdoor storage, yard encroachment and performance standards that occur shall be declared to be unlawful and a public nuisance.
 6. Every successive owner of the property who fails or neglects to correct a violation or to abate a continuing nuisance upon or in the use of such property, created by the former owner, is liable criminally and civilly in the same manner as the one who first created it.
- K. *Limitation on Action.*** The Community Development Director may choose to undertake any, or a combination of legal actions against a property owner or responsible person to correct and abate any nuisance or violation of the Zoning Code including but not limited to obtaining an inspection warrant from the Superior Court, referral of a case to the City Prosecutor or City Attorney, injunctive relief, public nuisance abatement or other remedy as provided by law.
- L. *Recovery Costs and Damages.*** The property owner or other responsible party may be charged for all City costs and incidental expenses incurred in correcting or abating violations of this Zoning Code, including, but not limited to: the actual costs of the City in preparing notices, correspondence, specifications, and contracts; staff costs related to inspections of the property; the costs of printings and mailings; costs related to inspection warrants; costs related to office hearings and administrative adjudications; costs related to relocating tenants of uninhabitable property; any attorney's fees expended in the abatement of the nuisance through civil action or otherwise; all costs or expenses for which the City may be liable under state law arising from or related to the nuisance action; and all costs or expenses to which the City may be entitled pursuant to California Health and Safety Code Section 101325 and other statutory entitlements.
- M. *Legal Actions.*** Any action or proceeding to challenge, attack, review, set aside, void or annul any discretionary action described in this Chapter shall be governed by the applicable provisions of the State Planning and Zoning Law and may only be made within 90 days of the decision by the City Council or other responsible decision-maker.
- N. *Notice of Violation.*** Whenever the Community Development Director has knowledge that a public nuisance exists on any property within the City of Hawaiian Gardens and the property owner or responsible person has failed to comply within 60 days of the Notice of Violation or Warning Notice, the Community Development Director shall record a Notice of Violation against the parcel with the Los Angeles County Recorder's Office. A release of the notice shall be recorded upon satisfactory compliance with this Zoning Code. The cost to record and remove the notices shall be established by the fee resolution as approved by the City Council.

18.100.190 Reasonable Accommodations

- A. Purpose.** This Section provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.
- B. Eligible Applicants.** A request for Reasonable Accommodation may be made by any person with a disability, their representative or other entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. This Section is intended to apply to those persons who are defined as disabled under the Acts.
- C. Eligible Requests.** A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- D. Application Requirements.** An application for a Reasonable Accommodation shall be filed with the Community Development Department in compliance with *Section 18.100.020, Administrative Procedures*. A fee shall not be required for a request for Reasonable Accommodation unless the project requires another discretionary permit(s), then the prescribed fee in compliance with the City's Master Fee Schedule shall be paid for all other discretionary permits.
- E. Review with Other Land Use Application(s).** If the project for which the request for Reasonable Accommodation is being made also requires other discretionary approval(s) (e.g., Conditional Use Permit, etc.), the applicant shall file the information required by this Section together with the information required for the other discretionary approval(s).
- F. Review Authority.**
1. *Community Development Director.* A request for Reasonable Accommodation shall be reviewed and determined by the Community Development Director if no approval is sought other than the request for Reasonable Accommodation.
 2. *Other review authority.* A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application(s) (e.g., Conditional Use Permit, etc.) shall be reviewed and determined by the authority reviewing the other discretionary land use application(s).
- G. Review Procedure**
1. *Community Development Director's action.* The Community Development Director shall make a written decision within 45 days and either approve, approve with conditions and/or modifications, or deny a request for Reasonable Accommodation in compliance with Subsection H. (Findings and Decision), below.
 2. *Other review authority.* The written decision on whether to approve or deny the request for Reasonable Accommodation shall be made by the authority responsible for reviewing the discretionary land use application(s) in compliance with the applicable review procedure. The written decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with Subsection H. (Findings and Decision), below.

CHAPTER 18.100: ADMINISTRATION

H. Findings and Decision. The written decision to approve or deny a request for Reasonable Accommodation shall be consistent with the Acts and shall be based on consideration of all of the following factors:

1. Whether the housing subject of the request will be used by an individual defined as disabled under the Acts;
2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
5. Potential impact on surrounding uses;
6. Physical attributes of the property and structures; and
7. The availability of alternative Reasonable Accommodations that may provide an equivalent level of benefit.