



**Irwindale Municipal Code  
Title 17 Zoning**

**Draft  
Comprehensive Zoning Code Update**

**Prepared by  
Interwest Consulting Group**

Effective May 12th, 2025

**Title 17**  
**Table of Contents**

**ARTICLE I: Purpose and Interpretation of the Code**

<b>Chapter 17.01 - Purpose and Applicability of the Zoning Code .....</b>	<b>1</b>
17.01.010 Title .....	1
17.01.020 Authority.....	1
17.01.030 Purpose.....	1
17.01.040 Responsibility for Administration.....	2
17.01.050 Relationship to Prior Ordinances.....	2
17.01.060 Prior Rights and Violations. ....	2
17.01.070 Relationship to General Plan.....	2
17.01.080 Relationship to Design Guidelines.....	2
17.01.090 Exemptions for City Projects. ....	2
17.01.100 Severability. ....	3
<b>Chapter 17.02 - Interpretation of the Zoning Code Provisions.....</b>	<b>4</b>
17.02.010 Purpose and Intent. ....	4
17.02.020 Rules of Interpretation. ....	4
17.02.030 Procedures for Interpretation. ....	5
17.02.040 Rules of Measurement. ....	6
17.02.050 Uses Not Classified. ....	13
17.02.060 State Law Requirements.....	13
<b>Chapter 17.03 Zones Established and Zoning Map.....</b>	<b>14</b>
17.03.010 Purpose and Intent. ....	14
17.03.020 Zones Established. ....	14
17.03.030 Official Zoning Map and Zone Boundaries. ....	15

**ARTICLE II: Zoning District Regulations**

<b>Chapter 17.04 Residential Zone Districts.....</b>	<b>16</b>
17.04.010 Purpose and Applicability .....	16
17.04.020 Land Use Regulations .....	17
17.04.030 Development Standards .....	19
17.04.040 Supplemental Regulations.....	20
<b>Chapter 17.05 Commercial Zone Districts.....</b>	<b>22</b>
17.05.010 Purpose and Applicability .....	22
17.05.020 Land Use Regulations .....	22
17.05.030 Development Standards.....	27
17.05.040 Supplemental Regulations.....	28
<b>Chapter 17.06 Industrial and Office Zone Districts.....</b>	<b>32</b>
17.06.010 Purpose and Applicability .....	32
17.06.020 Land Use Regulations .....	32
17.06.030 Development Standards.....	37
17.06.040 Supplemental Regulations.....	38
17.06.050 Recycling Facilities .....	39
<b>Chapter 17.07 Public and Semi-Public Zone Districts .....</b>	<b>46</b>

17.07.010 Purpose and Applicability .....	46
17.07.020 Land Use Regulations .....	46
17.07.030 Development Standards .....	48
<b>Chapter 17.08 Specific Plan Zones .....</b>	<b>49</b>
17.08.010 Purpose.....	49
17.08.020 Applicability .....	49
17.08.030 Adopted Specific Plans .....	49
<b>Chapter 17.09 Planned Development (PD) Overlay Zone .....</b>	<b>50</b>
17.09.010 Purpose and Applicability .....	50
17.09.020 Zoning Map Designation.....	50
17.09.030 Land Use Regulations .....	51
17.09.040 Development Standards .....	51
17.09.050 Procedures.....	51
17.09.060 Required Findings .....	52
17.09.070 Conditions.....	52
17.09.080 Expiration and Extension .....	53
17.09.090 Amendments of Approved Plans.....	53
17.09.100 Project Review .....	54
<b>Chapter 17.10 Automobile Dismantling Overlay Zone .....</b>	<b>55</b>
17.10.010 Purpose.....	55
17.10.020 Land Use and Permit Requirements.....	55
17.10.030 Development Regulations and Standards .....	57
<b>Chapter 17.11 Quarry Overlay Zone .....</b>	<b>61</b>
17.11.010 Intent .....	61
17.11.020 Uses Requiring a Conditional Use Permit.....	61
17.11.030 Uses Requiring a Reclamation Plan .....	62
17.11.040 On-site Management Required .....	62
17.11.050 Limitations on Quarry Uses .....	62
17.11.060 Maintenance of Site Requirements and Prohibited Nuisance Activity .....	63
17.11.070 Site Management and Security Plan .....	64
17.11.080 Access roads—Required surfacing .....	65
17.11.090 Slopes and Depth.....	65
17.11.100 Drainage and Erosion Control.....	66
17.11.110 Water Quality .....	66
17.11.120 Yards and Alternate Fencing Requirements .....	67
17.11.130 Rock Crushing Plants—Hours of Operation.....	68
17.11.140 Signs.....	68
17.11.150 Flood Control Regulation.....	69
17.11.160 Air Pollution and Dust Control.....	69
17.11.170 Hazardous Materials.....	70
17.11.180 Inspections.....	70
17.11.190 Operator Monitoring .....	70
17.11.200 Rehabilitation of Land .....	71
17.11.210 Creation of Reclamation Fund.....	71
17.11.220 Purpose and Uses of Reclamation Fund.....	72
17.11.230 Dissolution of and Withdrawals from Reclamation Fund .....	73

## **ARTICLE III: Citywide Regulations**

<b>Chapter 17.12 Specific Use Regulations.....</b>	<b>74</b>
17.12.010 Purpose .....	74
17.12.020 Applicability .....	74
17.12.030 Accessory Dwelling Units .....	75
17.12.040 Accessory Uses in Non-Residential Zones.....	81
17.12.050 Alcoholic Beverage Sales.....	81
17.12.060 Animal Keeping .....	82
17.12.070 Automobile/Vehicle Sales and Services .....	83
17.12.080 Cottage Food Operations .....	84
17.12.090 Day Care, General .....	85
17.12.100 Day Care, Limited – Small Family (8 or fewer children) .....	85
17.12.110 Day Care, Limited – Large Family (9-14 Children) .....	85
17.12.120 Drive-Thru and Drive-Up Facilities .....	85
17.12.130 Emergency Shelters.....	87
17.12.140 Home Occupations.....	88
17.12.150 Manufactured Housing .....	90
17.12.160 Mini-Storage Facilities.....	91
17.12.170 Mobile Food Vending .....	92
17.12.180 Outdoor Display and Sales .....	94
17.12.190 Outdoor Dining and Seating.....	94
17.12.200 Personal Services.....	95
17.12.210 Residential Care Facilities, for Seven or More Persons.....	95
17.12.220 Solar Energy Systems .....	96
17.12.230 Temporary Use Permit .....	96
17.12.240 Urban Agriculture.....	98
17.12.250 Urban Lot Splits .....	98
17.12.260 Wireless Telecommunication Facilities.....	100
<b>Chapter 17.13 Site Planning and General Development Standards.....</b>	<b>109</b>
17.13.010 Purpose .....	109
17.13.020 Applicability .....	109
17.13.030 Accessory Buildings and Structures .....	109
17.13.040 Development on Lots Divided by Zone Boundaries .....	110
17.13.050 Development on Substandard Lots.....	110
17.13.060 Encroachments into Required Setbacks.....	110
17.13.070 Fences, Walls, and Hedges.....	111
17.13.080 Height and Floor Area Ratio (FAR) Exceptions .....	114
17.13.090 Lighting, Exterior .....	115
17.13.100 Open Space for Multi-Family Residential Buildings .....	117
17.13.110 Outdoor Storage.....	117
17.13.120 Parking and Storage of Commercial and Recreational Vehicles .....	118
17.13.130 Refuse/Trash Collection Areas .....	119
17.13.140 Screening of Mechanical and Electrical Equipment.....	122
17.13.150 Swimming Pools and Spas.....	124
17.13.160 Underground Utilities.....	124
17.13.170 Visibility at Intersections .....	124
<b>Chapter 17.14 Multi-Family Objective Design Standards .....</b>	<b>126</b>
17.14.010 Purpose .....	126

17.14.020 Applicability .....	126
17.14.030 Approval Authority .....	126
17.14.040 Site Planning .....	126
17.14.050 Landscaping and Lighting .....	128
17.14.060 Architectural Design .....	129
17.14.070 Accessory Features .....	129
<b>Chapter 17.15 – Affordable Housing, Density Bonuses and Incentives .....</b>	<b>133</b>
17.15.010 Purpose .....	133
17.15.020 Applicable Zones .....	133
17.15.030 Qualifications .....	133
17.15.040 Density Increases and Other Incentives .....	133
17.15.050 Application and Review .....	133
17.15.060 Density Bonus Agreement .....	134
17.15.070 Standards for Qualifying Units .....	134
17.15.080 Retention .....	134
17.15.090 Denial of Affordable Housing Projects .....	135
<b>Chapter 17.16 Parking and Loading Standards .....</b>	<b>136</b>
17.16.010 Purpose .....	136
17.16.020 Applicability .....	136
17.16.030 General Provisions .....	137
17.16.040 Required Automobile Parking Spaces .....	137
17.16.050 Parking Reductions .....	141
17.16.060 Bicycle Parking .....	142
17.16.070 Parking Area Design Standards .....	144
<b>Chapter 17.17 Landscaping .....</b>	<b>151</b>
17.17.010 Purpose .....	151
17.17.020 Applicability .....	151
17.17.030 General Requirements .....	151
17.17.040 Screening .....	154
17.17.050 Parking Area Landscaping .....	158
17.17.060 Maintenance of Landscaping .....	159
<b>Chapter 17.18 Nonconforming Uses, Sites, and Buildings .....</b>	<b>161</b>
17.18.010 Purpose .....	161
17.18.020 Applicability .....	161
17.18.030 Nonconformities Defined .....	161
17.18.040 Continuance of a Nonconformity .....	162
17.18.050 Nonconforming Sites .....	162
17.18.060 Changes to Nonconforming Uses and Structures .....	163
17.18.070 Elimination of Nonconforming Uses and Structures .....	163
17.18.080 Establishment of Amortization Periods .....	164
17.18.090 Nonconforming Structures .....	164
17.18.100 Abandonment of Nonconforming Uses .....	165
17.18.110 Abatement .....	166
<b>Chapter 17.19 Signs .....</b>	<b>167</b>
17.19.010 Purpose .....	167
17.19.020 Applicability .....	167
17.19.030 Definitions .....	168
17.19.040 General Provisions .....	173

17.19.050 Exemptions.....	175
17.19.060 Prohibited Signs.....	176
17.19.070 Sign Measurement.....	177
17.19.080 Signage Allowed by Zones.....	179
17.19.090 Signage Standards for Specific Sign Types.....	180
17.19.100 Sign Permit Required.....	183
17.19.110 Comprehensive Sign Program.....	184
17.19.120 Nonconforming Signs.....	185
17.19.130 On-Site Temporary Signs.....	185
17.19.140 Off-Site Temporary Signs.....	187
17.19.150 Enforcement.....	188
<b>Chapter 17.20 Billboards.....</b>	<b>189</b>
<b>Chapter 17.21 Performance Standards.....</b>	<b>193</b>
17.21.010 Purpose and Intent.....	193
17.21.020 Applicability.....	193
17.21.030 Measurement of Impacts.....	194
17.21.040 Air Contaminants.....	194
17.21.050 Electromagnetic Interference.....	194
17.21.060 Radioactivity.....	194
17.21.070 Hazardous and Extremely Hazardous Materials.....	194
17.21.080 Waste.....	195
17.21.090 Heat and Humidity.....	195
17.21.100 Light and Glare.....	195
17.21.110 Vibration.....	196
17.21.120 Odors.....	196
17.21.130 Noise.....	196
<b>Chapter 17.22 Surface Mining and Reclamation Plans.....</b>	<b>197</b>
17.22.010 Purpose and Intent.....	197
17.22.020 Definitions.....	198
17.22.030 Compliance with SMARA.....	201
17.22.040 Scope.....	201
17.22.050 Vested Rights.....	202
17.22.060 Application and Process.....	203
17.22.070 Standards For Reclamation.....	205
17.22.080 Statement of Responsibility.....	208
17.22.090 Findings for Approval.....	208
17.22.100 Financial Assurances.....	209
17.22.110 Interim Management Plans.....	212
17.22.120 Annual Report Requirements and Review.....	213
17.22.130 Inspections.....	213
17.22.140 Violations—Penalties.....	213
17.22.150 Appeals.....	214
17.22.160 Fees.....	214
17.22.170 Mineral Resource Protection.....	214
<b>Chapter 17.23 Reserved.....</b>	<b>215</b>

**ARTICLE IV: Administration and Permits**

- Chapter 17.24 Planning Authorities ..... 210**
  - 17.24.010 Purpose ..... 210
  - 17.24.020 City Council..... 210
  - 17.24.030 Planning Commission ..... 210
  - 17.24.040 Community Development Director ..... 211
  - 17.24.050 Summary of Review Authorities for Decisions and Appeals ..... 212
- Chapter 17.25 Common Procedures..... 215**
  - 17.25.010 Purpose ..... 215
  - 17.25.020 Application Forms and Fees ..... 215
  - 17.25.030 Pre-Application Review ..... 216
  - 17.25.040 Review of Applications ..... 217
  - 17.25.050 Environmental Review ..... 217
  - 17.25.060 Public Notice ..... 218
  - 17.25.070 Conduct of Public Hearings ..... 219
  - 17.25.080 Findings and Decision..... 220
  - 17.25.090 Conditions of Approval..... 220
  - 17.25.100 Expiration and Extension..... 221
  - 17.25.110 Revisions to an Approved Permit..... 221
  - 17.25.120 Revocation of Permits ..... 222
  - 17.25.130 Appeals..... 222
  - 17.25.140 Interpretations and Determinations ..... 222
- Chapter 17.26 Zoning Clearance ..... 223**
  - 17.26.010 Purpose ..... 223
  - 17.26.020 Applicability..... 223
  - 17.26.030 Review Authority..... 223
  - 17.26.040 Procedures ..... 223
- Chapter 17.27 Site Plan and Design Review..... 225**
  - 17.27.010 Purpose ..... 225
  - 17.27.020 Applicability..... 225
  - 17.27.030 Review Authority..... 225
  - 17.27.040 Application ..... 226
  - 17.27.050 Procedures ..... 226
  - 17.27.060 Site Plan and Design Review Criteria..... 226
  - 17.27.070 Appeals, Expiration, Extensions and Revisions ..... 226
- Chapter 17.28 Use Permits ..... 227**
  - 17.28.010 Purpose ..... 227
  - 17.28.020 Applicability..... 227
  - 17.28.030 Review Authority..... 227
  - 17.28.040 Application ..... 228
  - 17.28.050 Public Notice and Hearing..... 228
  - 17.28.060 Required Findings..... 228
  - 17.28.070 Conditions of Approval..... 228
  - 17.28.080 Appeals, Expiration, Extensions and Revisions ..... 229
- Chapter 17.29 Temporary Use Permits..... 230**
  - 17.29.010 Purpose ..... 230
  - 17.29.020 Applicability ..... 230
  - 17.29.030 Exempt Temporary Uses..... 230

17.29.040 Allowed Temporary Uses.....	231
17.29.050 Application Filing and Processing Procedures .....	231
17.29.060 Standards .....	232
17.29.070 - Findings and Decision .....	232
17.29.080 Conditions of Approval .....	233
17.29.090 Condition of Site Following Temporary Use .....	233
17.29.100 Modification.....	233
17.29.110 Appeals.....	233
17.29.120 Revocation of Temporary Use Permit.....	234
<b>Chapter 17.30 Special Event Permits.....</b>	<b>235</b>
17.30.010 Purpose and Intent .....	235
17.30.020 Applicability .....	235
17.30.030 Exempt Special Events .....	236
17.30.040 Application—Special Event Permit .....	236
17.30.050 Other Permits and Fees Required.....	237
17.30.060 Investigation—Special Event Permit.....	237
17.30.070 Action on Application by Director.....	237
17.30.080 Appeals.....	237
17.30.090 Revocation of Special Event Permit .....	238
17.30.100 Violation—Penalty .....	238
17.30.110 Abatement of Nuisance. ....	238
<b>Chapter 17.31 Minor Variances .....</b>	<b>239</b>
17.31.010 Purpose .....	239
17.31.020 Applicability .....	239
17.31.030 Application .....	240
17.31.040 Procedures .....	240
17.31.050 Required Findings .....	240
17.31.060 Conditions of Approval .....	240
17.31.070 Appeals, Expiration, Extensions and Revisions .....	241
<b>Chapter 17.32 Variances.....</b>	<b>242</b>
17.32.010 Purpose .....	242
17.32.020 Applicability .....	242
17.32.030 Review Authority .....	242
17.32.040 Application .....	242
17.32.050 Procedures .....	242
17.32.060 Required Findings .....	243
17.32.070 Conditions of Approval .....	243
17.32.080 Appeals, Expiration, Extensions and Revisions .....	243
<b>Chapter 17.33 Reasonable Accommodation.....</b>	<b>244</b>
17.33.010 Purpose .....	244
17.33.020 Applicability .....	244
17.33.030 Review Authority .....	244
17.33.040 Application .....	244
17.33.050 Procedures .....	245
17.33.060 Required Findings .....	245
17.33.070 Conditions of Approval .....	245
17.33.080 Appeals, Expiration, Extensions and Revisions .....	246
17.29.060 Standards .....	232

<b>Chapter 17.34 Development Agreements .....</b>	<b>247</b>
17.34.010 Purpose .....	247
17.34.020 Applicability .....	247
17.34.030 Review Authority .....	247
17.34.040 Procedures .....	248
17.34.050 Planning Commission Hearings and Recommendations .....	249
17.34.060 City Council Hearings and Actions .....	249
17.34.070 Required Findings .....	250
17.34.080 Execution and Recordation .....	250
17.34.090 Periodic Review .....	250
17.34.100 Amendment or Cancellation .....	250
17.34.110 Effect of Approved Agreement .....	251
17.34.120 Enforcement .....	251
<b>Chapter 17.35 Amendments to the General Plan, General Plan Map, Zoning Code and Zoning Map .....</b>	<b>252</b>
17.35.010 Purpose .....	252
17.35.020 Applicability .....	252
17.35.030 Review Authority .....	252
17.35.040 Initiation of Amendment .....	253
17.35.050 Procedures .....	253
17.35.060 Planning Commission Hearing and Recommendation .....	253
17.35.070 City Council Hearing and Action .....	254
17.35.080 General Plan Consistency Required for Zoning Amendments .....	254
<b>Chapter 17.36 Pre-Zoning .....</b>	<b>255</b>
17.36.010 Purpose .....	255
17.36.020 Applicability .....	255
17.36.030 Procedure .....	255
17.36.040 Effective Date of Zoning and Time Limit .....	255
<b>Chapter 17.37 Enforcement .....</b>	<b>256</b>
17.37.010 Purpose .....	256
17.37.020 Enforcement Responsibilities .....	256
17.37.030 Revocation .....	256
17.37.040 Nuisance Defined .....	256
17.37.050 Penalties .....	257
17.37.060 Remedies .....	257
17.37.070 Nuisance Abatement .....	257
 <b>ARTICLE V: Terms and Definitions</b>	
<b>Chapter 17.38 Use Classifications .....</b>	<b>264</b>
17.38.010 Residential Uses .....	264
17.38.020 Public/Semi Public Uses .....	261
17.38.030 Commercial Uses .....	263
17.38.040 Industrial Uses .....	268
17.38.050 Transportation, Communication and Utility Uses .....	270
17.38.060 Agricultural and Extractive (Mining) Uses .....	272
<b>Chapter 17.39 List of Terms and Definitions .....</b>	<b>273</b>
17.39.010 Definitions .....	273

## List of Figures

### ARTICLE I: Purpose and Interpretation of the Code

Figure 17.02.040-1 Measuring Distances.....	7
Figure 17.02.040-2 Measurement of Vehicle Stacking or Travel Areas. ....	7
Figure 17.02.040-3 Measuring Radius .....	8
Figure 17.02.040-4 Measuring Height of Fences or Walls. ....	9
Figure 17.02.040-5 Measuring the Height of Decks. ....	9
Figure 17.02.040-6 Measuring Lot Width. ....	10
Figure 17.02.040-7 Measuring Lot Depth. ....	10
Figure 17.02.040-8 Measuring Lot Coverage.....	11
Figure 17.02.040-9 Determining Setbacks.....	12

### ARTICLE II: Zoning District Regulations

Figure 17.04.040-1: Allowed Vehicle Parking within Front and Street Side Setbacks .....	21
Figure 17.05.040-1 Maximum Setback in C-3 Zone. ....	28
Figure 17.05.040-2 Corner Lot Setback.....	28
Figure 17.05.040-3 Building Entrances. ....	30

### ARTICLE III: Citywide Regulations

Figure 17.12.220-1: Ground Mounted Solar Panel System .....	96
Figure 17.13.070-1 Measuring Front Setback. ....	112
Figure 17.13.070-2 Fence Height Measurement. ....	113
Figure 17.13.090-1 Maximum Height, Outdoor Lighting.....	116
Figure 17.13.120-1 Secondary Driveways.....	119
Figure 17.13.140-1 Screening of Mechanical and Electrical Equipment. ....	123
Figure 17.13.140-2 Screening of Outdoor Storage Areas. ....	123
Figure 17.13.170-1 Visibility at Intersections. ....	125
Figure 17.14.060-1 Façade Articulation.....	129
Figure 17.16.060-1 Bicycle Parking.....	143
Figure 17.16.070-1 Parking Space Dimension. ....	145
Figure 17.16.070-2: Aisle Dimensions.....	146
Figure 17.16.070-3: Alternate Parking Area Designs.....	148
Figure 17.17.030-1 Front Setback: Landscaping Required. ....	153
Figure 17.17.040-1 Rooftop Equipment Screening.....	157
Figure 17.19.030-1 Awning Sign. ....	168
Figure 17.19.030-2 Banner Sign.....	169
Figure 17.19.030-3 Canopy Sign .....	169
Figure 17.19.030-4 Freestanding Sign. ....	170
Figure 17.19.030-5 Mobile Billboard. ....	171
Figure 17.19.030-6 Portable Sign, A-Frame Sign .....	172
Figure 17.19.030-7 Projecting Sign .....	172
Figure 17.19.030-8 Wall Sign. ....	173
Figure 17.19.030-9 Window Sign.....	173
Figure 17.19.070-1 Measuring Sign Area.....	178
Figure 17.19.070-2 Building Frontage.....	179
Figure 17.19.090-1 Awning and Canopy Signs.....	180
Figure 17.19.090-2 Projecting and Shing. ....	182

Figure 17.19.090-3 Window Signs. .... 173

**ARTICLE V: Terms and Definitions**

Figure 17.39.010-1 Lot Types..... 280

Figure 17.39.010-2 Required Yard. .... 288

## List of Tables

### **ARTICLE I: Purpose and Interpretation of the Code**

Table 17.03.020: Zones Implementing the General Plan.....	14
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### **ARTICLE II: Zoning District Regulations**

Table 17.04.020: City of Irwindale Land Use Regulations – Residential Zones .....	17
Table 17.04.030: City of Irwindale Development Standards – Residential Zones .....	19
Table 17.05.020 Land Use Regulations – Commercial Zones .....	23
Table 17.05.030 Development Standards - Commercial Zones.....	27
Table 17.06.020 Land Use Regulations-Industrial and Office Zones .....	33
Table 17.07.020 Land Use Regulations – Public and Semi-Public Zones .....	47
Table 17.07.030 Development Standard-Public and Semi-Public Zones .....	48

### **ARTICLE III: Citywide Regulations**

Table 17.12.260: Requirements for Separation from Off-Site Uses/Designated Areas.....	105
Table 17.13.060 Allowed Encroachments into Required Setbacks .....	111
Table 17.13.070-1 Fences, Walls, and Hedges .....	112
Table 17.13.070-2 Maximum Height of Screening.....	113
Table 17.13.080: Allowed Projections Above Height Limits .....	114
Table 17.13.110: Outdoor Storage Regulations.....	118
Table 17.16.040 Required Number of Parking Spaces.....	138
Table 17.16.070-1 Parking Space Minimum Dimensions .....	145
Table 17.16.070-2 Aisle Dimensions for Maneuvering of Vehicles .....	145
Table 17.17.040-1 Required Screening .....	154
Table 17.17.040-2 Required Screening Types.....	155
Table 17.17.040-3 Screening Heights .....	156
Table 17.17.050-1: Required Interior Parking Area Landscaping .....	158
Table 17.18.050-2 Nonconforming Sites .....	162
Table 17.19.090 Total Sign Area for Multiple Tenant Sites .....	182

### **ARTICLE IV: Administration and Permits**

Table 17.24.050 Review Authorities for Decisions and Appeals .....	212
Table 17.31.010 Minor Variance Amounts Allowed .....	239

# City of Irwindale- Zoning Code

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## Article I: Purpose and Interpretation of the Code

### Chapter 17.01 - Purpose and Applicability of the Zoning Code

#### Subsections:

- 17.01.010 Title
- 17.01.020 Authority
- 17.01.030 Purpose
- 17.01.040 Responsibility for Administration
- 17.01.050 Relationship to Prior Ordinances
- 17.01.060 Prior Rights and Violations
- 17.01.070 Relationship to General Plan
- 17.01.080 Relationship to Design Guidelines
- 17.01.090 Exemptions for City Projects
- 17.01.100 Severability

#### **17.01.010 Title**

Title 17 of the Irwindale Municipal Code shall be known and cited as the “Irwindale Zoning Code”, “Zoning Code”, or “Code”.

#### **17.01.020 Authority**

The Irwindale Zoning Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code.

#### **17.01.030 Purpose**

The purpose of this Zoning Code is to implement the City’s General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Irwindale. More specifically, the Zoning Code is adopted to achieve the following objectives:

- A.** Provide Standards. The Zoning Code creates standards for the orderly growth and development of the City, it guides and controls the use of land to provide a safe, harmonious, attractive, and sustainable community.
- B.** Achieve Land Use Goals. Achieve the arrangement of land uses depicted in the Irwindale General Plan, consistent with the goals and policies of the General Plan.
- C.** Enhance the appearance of the City to promote high-quality design.
- D.** Preserve and Enhance the quality of life and character of residential neighborhoods.
- E.** Promote economic growth and the creation of jobs.
- F.** Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.

- G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
- H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

#### **17.01.040 Responsibility for Administration**

The Zoning Code shall be administered by the Irwindale City Council, Planning Commission, and Community Development Department as established in Chapter 17.24, Planning Authorities.

#### **17.01.050 Relationship to Prior Ordinances**

The provisions of this Code supersede all prior ordinances codified in Title 17 of the Irwindale Municipal Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.

In accordance with IMC section 17.04.070, applications processed by City staff under all prior ordinances codified in Title 17, but which come before the legislative body after the most recent Zoning Code has been approved, will be deemed to be in compliance with the latest version of Zoning Code.

#### **17.01.060 Prior Rights and Violations**

The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Irwindale City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

#### **17.01.070 Relationship to General Plan**

This Code implements the goals and policies of the Irwindale General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another. Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

#### **17.01.080 Relationship to Design Guidelines**

Any design guidelines adopted by the City shall be considered complementary to the development and design standards set forth in this Development Code. In the event of any conflict between adopted design guidelines and the provisions of the Zoning Code, the provisions of the Zoning Code shall govern.

#### **17.01.090 Exemptions for City Projects**

Activities of the City of Irwindale shall be exempt from the requirements of this Zoning Code.

**17.01.100 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Irwindale City Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

## Chapter 17.02 - Interpretation of the Zoning Code Provisions

### Subsections:

- 17.02.010 Purpose and Intent
- 17.02.020 Rules of Interpretation
- 17.02.030 Procedures for Interpretation
- 17.02.040 Rules of Measurement
- 17.02.050 Uses Not Classified
- 17.02.060 Illustrations
- 17.02.070 State Law Requirements

### 17.02.010 Purpose and Intent

The purpose of this Chapter is to provide precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases defined in this Chapter apply throughout the Code, except where the context indicates a different meaning.

### 17.02.020 Rules of Interpretation

In interpreting the various provisions of the Code, the following rules of interpretation shall apply:

- A. General Rules. The following general rules apply to the interpretation and application of the Zoning Code.
  - 1. In the case of conflicts between specifically stated standards and regulations, and general statements of intent, specific provisions shall control.
  - 2. Diagrams are provided in this code to illustrate the requirements of the zoning code's text. In the event of conflict between the text of this code and a figure, diagram, heading, or graphic, the text controls.
  - 3. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
  - 4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
    - a. "And" indicates that all connected words or provisions shall apply.
    - b. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
    - c. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
    - d. "Either... or" indicates that the connected words or provisions shall apply singularly but not in combination.

5. The words “shall”, “will”, “must”, and “is to” are always mandatory and not discretionary. “Should” is a regulation that is not mandatory but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. “May” is permissive.
  6. The present tense includes the past and future tenses, and the future tense includes the past.
  7. The singular number includes the plural, and the plural, the singular.
  8. All references to departments, committees, commissions, or boards are to those of the City of Irwindale, unless otherwise indicated.
  9. All references to public officials are to those of the City of Irwindale, and include designated deputies of such officials, unless otherwise indicated.
- B. Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period (5:00PM).
- C. Definitions.** The Community Development Director shall make the interpretation for any definition not expressly identified in this Code.
- D. Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any zone shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.

### **17.02.030 Procedures for Interpretation**

Whenever the Community Development Director determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally, or as applied to a specific case, the Community Development Director may issue an interpretation.

- A. Request for Interpretation.** The request for an interpretation or determination shall be filed with the Department and shall include all information required by the Department.
- B. Referral of Interpretation.** The Community Development Director may choose to forward any question of interpretation or determination of the meaning or applicability of any provision of this Zoning Code directly to the Commission for determination at a public meeting. Any decision of the Commission may be appealed to the City Council in accordance with the provisions of Chapter 17.25.130 (Appeals).
- C. Findings, Basis for Interpretation.** The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes, based on substantial evidence, or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan and any applicable specific plan or planned development district.

- D. Conflicting Requirements.** Any conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as Follows:
- 1. Zoning Code and Other Municipal Code Provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and other provisions of the Irwindale Municipal Code, or other adopted regulations of the City of Irwindale, the more restrictive provision shall prevail.
  - 2. Zoning Code Provisions.** In the event of any conflict between the provisions of this Zoning Code, the most restrictive requirement shall control; except in case of any conflict between the regulations of Article II (Zoning District Regulations) and Chapter 17.13 (Site Planning and General Development Standards), the regulations of Chapter 17.13 shall control.
- E. Director Interpretations.** The Community Development Director may, subject to the provisions and requirements of this section, establish interpretations as required to resolve ambiguities in the Code that might be identified by City staff.
- F. Record of Interpretations.** Official interpretations shall be:
- 1. Written and shall quote the provisions of this Zoning Code being interpreted, the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and**
  - 2. Distributed to the Community Development Director, City Manager, City Attorney, City Clerk, and affected Department staff.**
  - 3. Any provision of this Zoning Code that is determined by the Community Development Director or other applicable review authority to need refinement or revision shall be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Community Development Director shall maintain a complete record of all official interpretations as an appendix to this Zoning Code and indexed by the number of the Article or Section that is the subject of the interpretation.**
- G. Appeals.** Any interpretation of this Zoning Code by the Community Development Director may be appealed to the Planning Commission in compliance with Chapter 17.25.130, Appeals.

#### **17.02.040 Rules of Measurement**

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Community Development Director.

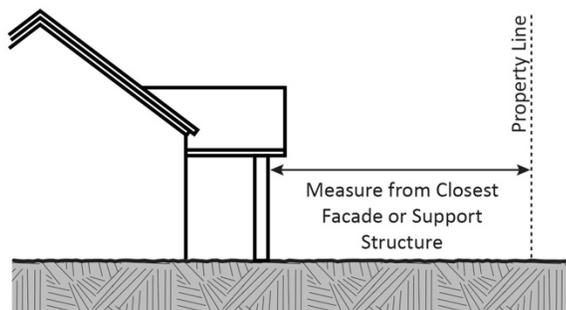
- A. Fractions.** Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
- 1. General Rounding.** Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions equal to or less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
  - 2. Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government

Code Section 65915 or any successor statute, and Chapter 17.15, Affordable Housing, Density Bonuses, and Incentives, any fractional number of units shall be rounded up to the next whole number.

**B. Measuring Distances.**

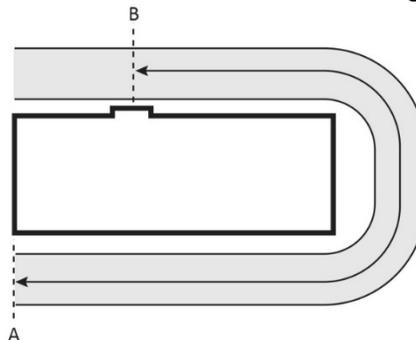
1. **Measurements Are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
2. **Distances Are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
3. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

**Figure 17.02.040-1 Measuring Distances.**



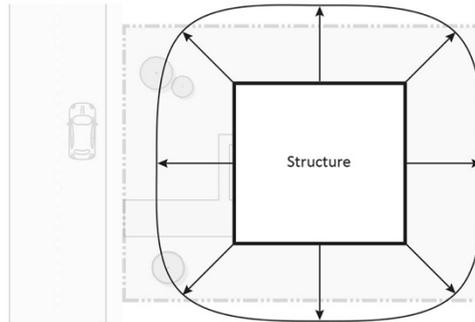
4. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

**Figure 17.02.040-2 Measurement of Vehicle Stacking or Travel Areas.**



5. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

**Figure 17.02.040-3 Measuring Radius**

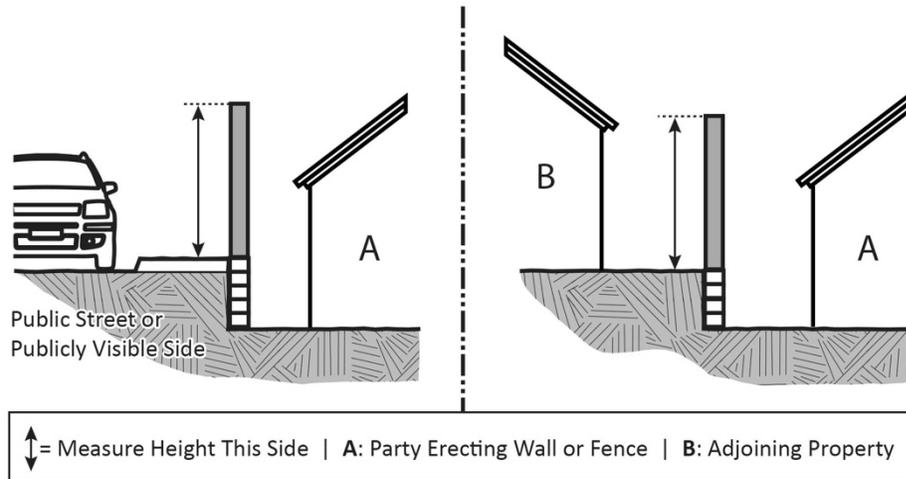


**C. Measuring Height.**

1. **Measuring Building Height.** Building height is measured from the finished floor to the highest point of commercial, industrial, and multi-family structures. Residential structures shall be measured from the finished floor to the highest point of the rooftop. This measurement shall not include parapets, rooftop equipment screening, and architectural features.

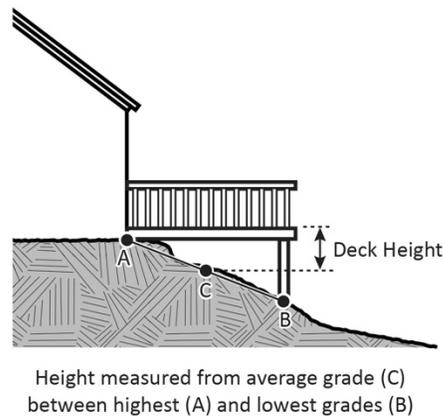
2. Measuring Height of Fences or Walls. The height of a fence or wall shall be measured from the highest grade immediately adjacent to both sides of the fence or wall to the height of such fence or wall.

Figure 17.02.040-4 Measuring Height of Fences or Walls.



3. Measuring the Height of Decks. Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

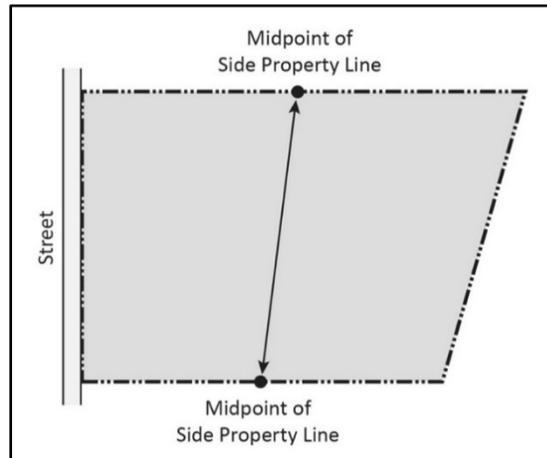
Figure 17.02.040-5 Measuring the Height of Decks.



- D. Measuring the Number of Stories. In measuring the number of stories in a building, the following rules shall apply:
  1. An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.

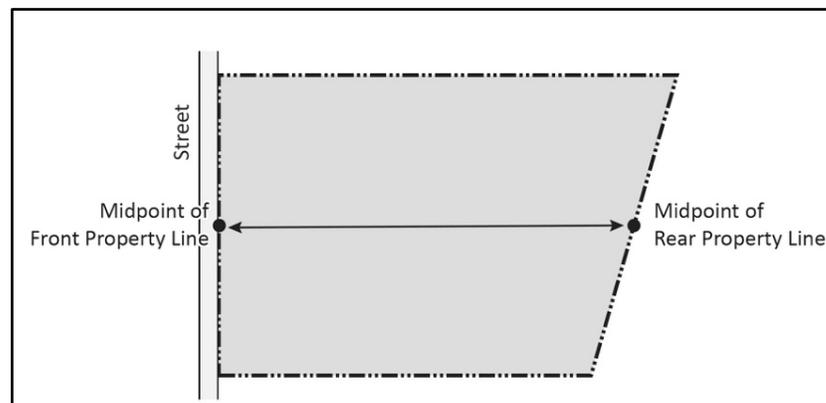
2. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than six feet at any point.
3. A story shall not exceed 25 feet in height from the upper surface of the floor to the ceiling above.
4. Measuring Lot Width and Depth.
  - a. Lot Width. Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Figure 17.02.040-6 Measuring Lot Width.**



- b. Lot Depth. Lot depth is measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line.

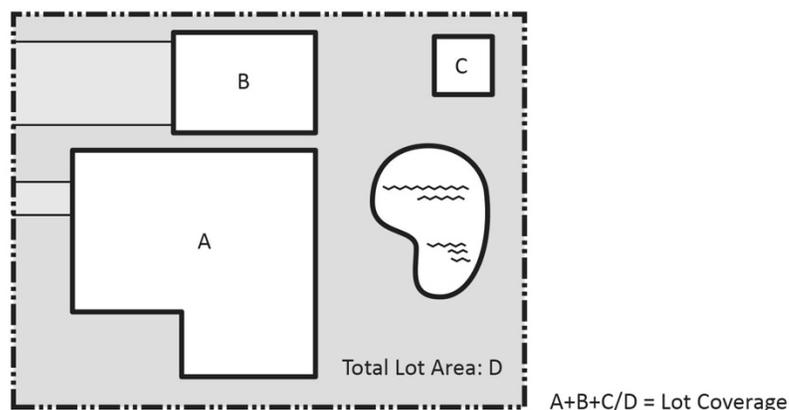
**Figure 17.02.040-7 Measuring Lot Depth.**



- D. Determining Gross Floor Area of Structures. The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

1. **Floor Area in Residential Zones.** The floor area for buildings in single-family residential zones shall be measured as the total horizontal floor area of all the floors of a building from the outside walls. The total horizontal floor area shall include: the residential floor area of any building(s) located on the lot including the main dwelling, detached accessory structures, accessory dwelling units, and all garage area except non-enclosed covered structures such as covered patios or porches, decks, and balconies.
  2. **Floor Area in Non-Residential Zones.** The gross floor area shall include the total floor area of all the floors of a building measured from the outside walls, including vents; shafts; covered courts; elevators; stairways; mechanical, electrical, and communications equipment; and similar facilities.
  3. **Floor Area of Parking Structures.** The floor area of parking structures shall not be included in the calculation of floor area.
- E. Determining Floor Area Ratio (FAR).**
1. **Residential Floor Area Ratio.** The floor area ratio shall be the numerical value obtained by dividing the residential floor area of any building(s) located on a lot by the net area of the lot.
  2. **Non-Residential Floor Area Ratio.** The floor area ratio shall be the numerical value obtained by dividing the non-residential floor area of any building(s) located on a lot by the net area of the lot.
- F. Measuring Lot Coverage (Area Covered by Structures).**
- Lot coverage is the ratio of the total gross floor area, except for excluded structures, to the total lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed to calculate lot coverage. The following structures shall be excluded from the calculation:
1. Unenclosed and unroofed decks, uncovered patio slab, porches open on three sides, landings, balconies and stairways less than four feet in height;
  2. Eaves and roof overhangs projecting up to three feet from a wall;
  3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings;
  4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

**Figure 17.02.040-8 Measuring Lot Coverage.**



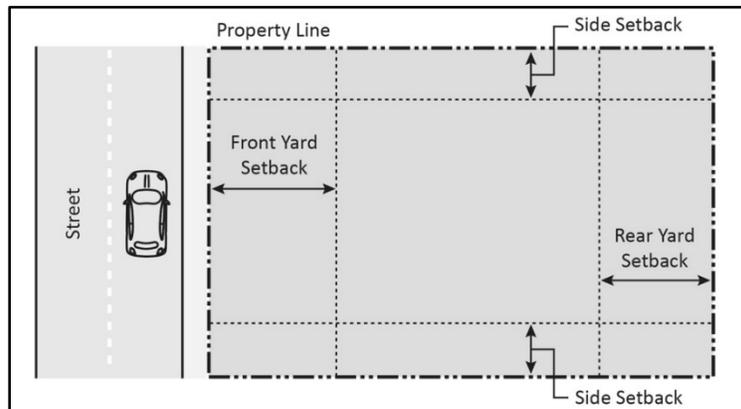
**G. Determining Lot Lines.**

The following shall be used to determine the locations of front, side, and rear lot lines.

1. **Front Lot Line.** The narrowest boundary line separating a lot from a public or private street; in the case of a lot having no street frontage, the same will mean the narrowest boundary line parallel and closest to the nearest street or highway, as determined by the Community Development Director.
2. **Rear Lot Line.** A lot line which is most distant from the front lot line.
3. **Side Lot Line.** Any lot boundary line which is not a front or rear lot line.
4. **Access.** If access to a public roadway is provided via an easement, the front lot line shall be the line to which the easement is connected.

- H. Determining Setbacks (Yards).** A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. Required setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to Section 17.13.060, Encroachments into Required Setbacks, subject to compliance with the Building Code.

**Figure 17.02.040-9 Determining Setbacks.**



- I. Measuring Signs.** The calculations of measurements related to signs are described in Chapter 17.19, Signs.

**17.02.050 Uses Not Classified**

If a proposed use of land is not specifically listed in Article II (Zoning District Regulations), the use shall not be allowed except as provided below.

- A. Director's Interpretation.** The Community Development Director may determine that a proposed land use that is not listed in Article II (Zoning District Regulations) may be allowed if the following findings can be made:

1. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, or similar impacts as determined by special environmental studies as required by the Community Development Director, than the uses listed in the zoning district;
  2. The proposed use will meet the purpose/ intent of the zoning district that is applied to the location of the use;
  3. The proposed use will be consistent with the goals, objectives, and policies of the General Plan, or any applicable specific plan or planned development district; and
  4. The proposed use is not a prohibited or illegal use.
- B. Applicable Standards and Permit Requirements.** When the Community Development Director determines that a proposed but unlisted land use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Code apply.

#### **17.02.060 State Law Requirements**

Where this Zoning Code references applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be the applicable State law provisions as they may be amended from time to time.

## Chapter 17.03 Zones Established and Zoning Map

### Subsections

17.03.010 Purpose and Intent

17.03.020 Zones Established

17.03.030 Official Zoning Map and Zoning Boundaries

### 17.03.010 Purpose and Intent

Zones have been established to classify, regulate, and restrict the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards and other open spaces about buildings; and regulate the density of people.

### 17.03.020 Zones Established

The City is divided into zones to allow for orderly, planned development and to implement the General Plan. Table 17.03.020 (Zones Implementing the General Plan) identifies all zones in the City of Irwindale. All zones shall be listed and appropriately designated on the official Zoning Map.

- A. Base Zones. Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that type and intensity of land use.
- B. Specific Plan Zones. Specific plan zones located in the City are identified in Table 17.03.020.
- C. Overlay Zones. An overlay zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply.

Table 17.03.020: Zones Implementing the General Plan		
Zone Symbol	Zone District Name	General Plan Land Use Designation Implemented by Zone
<b>BASE ZONES</b>		
<b>Residential Zones</b>		
R-1	Residential – Low Density	Residential
R-2	Residential – Medium Density	Residential
R-3	Residential – Multifamily	Residential
<b>Commercial Zones</b>		
C-1	Neighborhood Commercial	Commercial
C-2	General Commercial	Commercial
C-3	Commercial/Residential	Commercial; Residential
<b>Industrial and Office Zones</b>		
M-1	Light Industrial	Industrial/Business Park
M-2	Heavy Industrial	Industrial/Business Park

<b>Table 17.03.020: Zones Implementing the General Plan</b>		
<b>Zone Symbol</b>	<b>Zone District Name</b>	<b>General Plan Land Use Designation Implemented by Zone</b>
<b>BASE ZONES</b>		
BP	Business Park	Industrial/Business Park
<b>Public and Semi-Public Zones</b>		
P/SP	Public/Semi-Public	Public/Institutional
RP	Recreation and Parks	Commercial/Recreation; Parks
OS	Open Space	Open Space/Easements
<b>SPECIFIC PLAN ZONES</b>		
COH	City of Hope Campus Specific Plan	Specific Plan
PLO	The Park at Live Oak Specific Plan	Specific Plan
RII	The Reliance II Specific Plan	Specific Plan
GSP	Gateway Specific Plan	Specific Plan
<b>OVERLAY ZONES</b>		
PD	Planned Development	Various
AO	Auto Dismantling Overlay Zone	Industrial/Business Park
QO	Quarry Overlay Zone	Quarry/Quarry Overlay

**17.03.030 Official Zoning Map and Zone Boundaries.**

The boundaries of the zones established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

# City of Irwindale- Zoning Code Update

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## Article II: Zoning District Regulations

### Chapter 17.04 Residential Zone Districts

#### Subsections:

17.04.010 Purpose and Applicability

17.04.020 Land Use Regulations

17.04.030 Development Standards

17.04.040 Supplemental Regulations

#### 17.04.010 Purpose and Applicability

A. Purpose and Applicability. The purposes of the Residential Zones are to:

1. Provide for a range of housing. Provide for a full range of housing types consistent with the City of Irwindale General Plan;
2. Preserve, protect, and enhance the character of the City's residential neighborhoods;
3. Enhance the quality of life for City of Irwindale residents;
4. Ensure compatible scale and design of new development and alterations with existing development. Ensure new development is compatible with surrounding residences and appropriate to the physical and aesthetic characteristics of proposed locations; and
5. Provide sites for public and semi-public land uses. Uses such as parks, schools, day care, and other community uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential Zone include the following:

**Residential – Low Density (R-1).** The R-1 Zone is intended to provide areas for detached single-family dwellings and to protect the character of existing single-family neighborhoods. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a low-density residential environment. The maximum residential density for the R-1 district is 8.0 units per gross acre. This Zone implements the Residential General Plan Land Use Designation.

**Residential – Medium Density (R-2).** The R-2 Zone is intended to provide areas for a variety of housing types including detached single-family dwellings and duplexes. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium-density residential environment. The maximum residential density for the R-2 district is 14.0 units per gross acre. This Zone implements the Residential General Plan Land Use Designation.

**Residential – Multifamily (R-3).** The R-3 Zone is intended to provide areas for a range of medium-high-density residential development. Housing types include townhouses, condominiums, and apartment buildings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium to high density residential environment. The maximum residential

density for the R-3 district is 21.0 units per gross acre. This Zone implements the Residential General Plan Land Use Designations.

**17.04.020 Land Use Regulations**

Table 17.04.020, Land Use Regulations—Residential Zones, sets the land use regulations for the Residential Zones. Land uses are defined in Chapter 17.38, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of the Zoning Code that apply or should be referenced.

<b>Table 17.04.020: City of Irwindale Land Use Regulations – Residential Zones</b>				
<i>P=Permitted Use</i>	<i>M=Minor Use Permit Required</i>	<i>C=Conditional Use Permit Required</i>	<i>"- "=Use Not Allowed</i>	
<b>Land Use Classification</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Notes and Additional Regulations</b>
<b>Residential Uses</b>				
Single-Family Dwelling	P	P	P	
Duplex	-	P	P	
Townhouses	-	P	P	
Apartments	-	-	P	
Accessory Dwelling Unit	P	P	P	See Accessory Dwelling Units, Section 17.12.030
Family Day Care, Small	P	P	P	See Family Day Care, Small, Section 17.12.100
Family Day Care, Large	P	P	P	See Family Day Care, Large, Section 17.12.110
Group Residential	C	C	P	
Manufactured Homes	P	-	-	See Section 17.12.150
Residential Care Facilities, Small (6 or fewer residents)	-	P	P	
Residential Care, Facilities, Large (7 or more)	-	C	C	See Residential Care Facilities, Large, Section 17.12.210
Residential Facility, Assisted Living	-	C	P	

<b>Table 17.04.020: City of Irwindale Land Use Regulations – Residential Zones</b>				
<i>P=Permitted Use</i>	<i>M=Minor Use Permit Required</i>	<i>C=Conditional Use Permit Required</i>	<i>"- "=Use Not Allowed</i>	
<b>Land Use Classification</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Notes and Additional Regulations</b>
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.			
Transitional Housing				
Home Occupations (business license required)	P	P	P	See Home Occupations, Section 17.12.140
<b>Public/Semi-Public Uses</b>				
Community Assembly, less than 5,000 sq. ft.	P	P	P	
Community Assembly, 5,000 sq. ft. or greater	M	M	M	
Cultural Institutions, less than 5,000 sq. ft.	P	P	P	
Cultural Institutions, 5,000 sq. ft. or greater	M	M	M	
Day Care, General	M	P	P	
Skilled Nursing Facility	-	-	-	
Park and Recreation Facilities	P	P	P	
Schools (Pre-K-12)	C	C	C	
Community Garden	P	P	P	
Private Garden	P	P	P	
<b>Commercial Uses</b>				
Animal Boarding/Kennels	-	-	-	
Lodging, Short-Term Rental	P	P	P	
<b>Transportation, Communication, and Utility Uses</b>				
Telecommunication Facilities	See Section 17.12.260, Wireless Telecommunication Facilities			
<b>Other Specific Uses</b>				
Animal Keeping	See Section 17.12.060			
Home Occupations	See Section 17.12.140			
Nonconforming Use	See Chapter 17.18; Nonconforming Uses, Sites, and Buildings			

<b>Table 17.04.020: City of Irwindale Land Use Regulations – Residential Zones</b>				
<i>P=Permitted Use</i>	<i>M=Minor Use Permit Required</i>	<i>C=Conditional Use Permit Required</i>	<i>"- "=Use Not Allowed</i>	
<b>Land Use Classification</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Notes and Additional Regulations</b>
Electric Vehicle Parking	See Section 17.16.070			
Solar Energy Systems	See Section 17.12.220			
Temporary Uses	See Section 17.12.230			

**17.04.030 Development Standards**

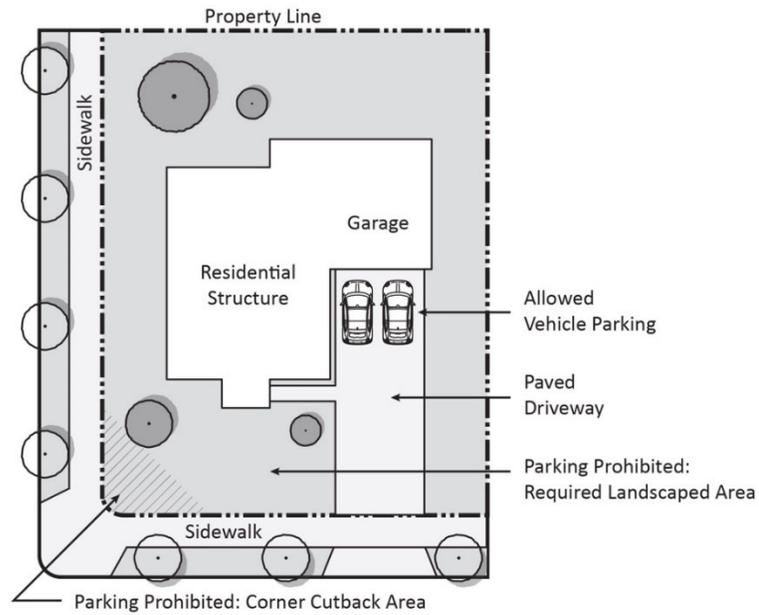
<b>Table 17.04.030: City of Irwindale Development Standards – Residential Zones</b>				
<b>Standard</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Notes and Additional Regulations</b>
<b>Lot and Density Standards</b>				
Maximum Density (units/acre)	8.0	14.0	21.0	
Minimum Lot Size (square feet)	5,000 sf	6,000 sf	12,000 sf	
<b>Minimum Lot Requirements</b>				
Interior lot width (feet)	50	60	100	
Corner lot width (feet)	60	70	120	
Minimum width of home (feet)	25	25	-	
Maximum lot coverage (percentage)	45	45	60	See Section 17.02.040(F), Measuring Lot Coverage.
<b>Building Form and Location</b>				
<b>Minimum Setbacks (feet)</b>				
Front	20	20	15	
Side, Interior lot	5	5	5	
Side, Corner lot	10	10	10	
Second floor setback, interior lot	10	10	10	Setback for side of house only.
Rear	15	15	15	
Distance between main buildings	-	-	10	

<b>Table 17.04.030: City of Irwindale Development Standards – Residential Zones</b>				
<b>Standard</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>Notes and Additional Regulations</b>
Maximum Building Height (feet)	35	35	50	See Section 17.02.040 for measurement of heights of residential structures.
<b>Open Space Standards</b>				
Minimum Open Space (square feet per unit)	N/A	N/A	Min. 100 sq. ft. of common open space per dwelling unit. Min. of 120 sq. ft. of private open space per unit.	See Chapter 17.13.100, Open Space.

**17.04.040 Supplemental Regulations**

- A.** Single Family Residential. All detached single-family development shall meet the following development standards.
  - 1.** Parking within Front and/or Street Side Setbacks. Parking is allowed within designated driveways or parking spaces only. Parking is not allowed in landscaped areas within front and/or street side setbacks, or the corner cutback area as shown in Figure 17.04.040.
  - 2.** Paved and Hardscape Areas. Hardscape materials, inclusive of driveways and pedestrian walkways, but not including artificial turf, shall not cover more than 40 percent of the front setback per Section 17.18.030 (Landscaping).
  - 3.** Height Exceptions. Chimneys and roof-mounted vents shall be allowed to exceed height limits to the minimum extent as shown in Section 17.13.080. In the R-2 zone, the ridge of a pitched roof on a primary structure may extend up to three feet above the maximum height limit.
  - 4.** Windows shall be recessed. A minimum of two inches recessed from a wall plane of a façade.

**Figure 17.04.040-1: Allowed Vehicle Parking within Front and Street Side Setbacks.**



- B. Multi-Family Residential.** All multi-family residential developments shall meet the following development and design standards in Chapter 17.14, Multifamily Objective Design Standards.

## Chapter 17.05 Commercial Zone Districts

### Subsections:

- 17.05.010 Purpose and Applicability
- 17.05.020 Land Use Regulations
- 17.05.030 Development Standards
- 17.05.040 Supplemental Regulations

### 17.05.010 Purpose and Applicability

A. Purpose and Applicability. The purpose of the Commercial Zones are to:

1. Provide for the orderly, well-planned, and balanced development of commercial zones in the City;
2. Designate space for a full range of local- and regional-serving commercial and retail services, which are consistent with the General Plan.
3. Maintain and strengthen the City's economic resources;
4. Provide appropriately located commercial areas. Commercial areas that provide a variety of goods and services for residents, employees, and visitors;
5. Promote pedestrian-oriented development in appropriate locations in the City.

Additional purposes of each Commercial Zones are listed below:

**Neighborhood Commercial (C-1).** The C-1 Zone is intended to provide areas for locally-oriented retail and service uses, public and quasi-public uses, and similar and compatible uses. This Zone implements the Commercial General Plan Land Use Designation.

**General Commercial (C-2).** The C-2 Zone is intended to provide for general retail, commercial, administrative and professional offices, financial services, entertainment, medical facilities, and personal service uses. This Zone implements the Commercial General Plan Land Use Designations.

**Commercial/Residential (C-3).** The C-3 Zone is intended to provide areas for locally-oriented retail and service uses, residential, public and quasi-public uses, and similar and compatible uses in the Town Center District. This Zone implements the Commercial and Residential General Plan Land Use Designations.

### 17.05.020 Land Use Regulations

**Table 17.05.020 Land Use Regulations - Commercial Zones.** Sets the land use regulations for the Commercial Zones. Land uses are defined in Chapter 17.38, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other sections of this Title.

<b>Table 17.05.020 Land Use Regulations – Commercial Zones</b>				
<i>"P"= Permitted Use</i>	<i>"M"= Minor Use Permit Required</i>	<i>"C"= Conditional Use Permit Required</i>	<i>"-" = Use Not Allowed</i>	
<b>Land Use Classification</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>Additional Regulations</b>
<b>Residential Uses</b>				
Single-Family Dwelling	-	-	-	
Duplex Dwelling	-	-	-	
Multi-Family Residential	-	-	P	See Section 17.05.040 for additional regulations.
Accessory Dwelling Units	-	-	P	
Residential Facility, Assisted Living	-	-	C	
Single-Room Occupancy	-	C	C	
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.			
Transitional Housing				
<b>Public/Semi-Public Uses</b>				
Colleges and Trade Schools	P	P	P	
Community Assembly	P	P	P	
Community Garden	P	P	P	
Cultural Institutions	P	P	P	
Day Care Centers	P	P	C	
Government Offices	P	P	P	
Clinic	P	P	-	
Hospitals	-	P	-	
Skilled Nursing Facility	-	P	-	
Instructional Services	P	P	P	
Parking Lots and Structures	C	P	P	
Schools (Pre-K-12)	-	-	-	
Social Service Facilities	P	P	-	
Tutoring Facilities	P	P	P	
<b>Commercial Uses</b>				
Animal Sales and Grooming	P	P	C	
Veterinary Services	P	P	C	
Automobile Rentals	-	P	C	

<b>Table 17.05.020 Land Use Regulations – Commercial Zones</b>				
<i>"P"= Permitted Use</i>	<i>"M"= Minor Use Permit Required</i>	<i>"C"= Conditional Use Permit Required</i>	<i>"-" = Use Not Allowed</i>	
<b>Land Use Classification</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>Additional Regulations</b>
Automobile Repair, Major	-	C	-	
Automobile Repair, Minor	P	P	C	
Automobile/Vehicle Sales and Leasing (new and used)	-	C	-	See Section 17.12.070
Drive-Throughs and Drive-Up Facilities	-	C	-	See Section 17.12.120, Drive-Through and Drive-Up Facilities
Fueling/Charging Stations (including alternative fuels)	C	P	-	
Large Vehicle and Equipment Sales, Service and Rental	-	-	-	
Towing and Impound	-	-	-	
Automobile Washing	-	P	-	Also includes Mobile Auto Washing. See Section 17.12.070
Banks and Credit Unions	P	P	P	
Check Cashing Businesses	P	P	P	
Business Services	P	P	-	
Commercial Entertainment and Recreation		P	P	See Commercial Entertainment and Recreation in Section 17.38.030
Cinema/Theaters	-	P	P	
Indoor Sports and Recreation	-	P	C	
Outdoor Entertainment	C	P	C	
Outdoor Sports and Recreation	C	P	C	

<b>Table 17.05.020 Land Use Regulations – Commercial Zones</b>				
<i>"P"= Permitted Use</i>	<i>"M"= Minor Use Permit Required</i>	<i>"C"= Conditional Use Permit Required</i>	<i>"-" = Use Not Allowed</i>	
<b>Land Use Classification</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>Additional Regulations</b>
Physical Fitness Facilities	P	P	P	
Bars/Night Clubs/Lounges	C	C	P	
Restaurant	P	P	P	
Farmers Markets	P	P	P	
Food Preparation	P	P	P	
Funeral Parlors and Interment Services	-	P	-	
Hotels and Motels	-	C	C	
Appliance Maintenance and Repair Services	P	P	C	
<b>Mobile Food Vending</b>	<b><i>See §17.12.170, Mobile Food Vending</i></b>			
Nurseries and Garden Center	P	P	P	
<b>Office Uses</b>	<b><i>See subclassifications below</i></b>			
Business, Professional, and Technology	P	P	P	
Medical and Dental	P	P	P	
<b>Personal Services</b>	<b><i>See subclassifications below</i></b>			
General Personal Services	P	P	P	
Massage Establishments	C	C	-	
Tattoo or Body Modification Parlor	C	C	-	
<b>Retail Sales</b>	<b><i>See subclassifications below</i></b>			
Building Materials Stores and Services	-	P	-	
Home Improvement Sales	C	P	P	
Convenience Stores	P	P	P	
Liquor Sales (Primary Use)	C	C	-	
Liquor Sales (accessory)	C	P	C	

<b>Table 17.05.020 Land Use Regulations – Commercial Zones</b>				
"P"= Permitted Use	"M"= Minor Use Permit Required	"C"= Conditional Use Permit Required	"-" = Use Not Allowed	
Land Use Classification	C-1	C-2	C-3	Additional Regulations
Food and Beverage Sales	P	P	P	
General Retail	C	P	P	
Secondhand Store	P	P	P	
<b>Industrial Uses</b>				
Custom and Artisan Food Production	C	P	P	
Food and Beverage Production, Small Scale	C	P	P	
Breweries and Distilleries	C	P	P	
Hazardous Materials	C	C	C	
<b>Transportation, Communication, and Utility Uses</b>				
Airports and Heliports	-	C	-	
Communication Facilities	<i>See subclassifications below</i>			
Wireless Telecommunications	<i>See §17.12.260, Wireless Telecommunications Facilities</i>			
Light Fleet-Based Services	-	P	P	
<b>Additional Uses</b>				
Accessory Uses and Structures	See Section 17.12.040, Accessory Uses and Structures			
Electric Vehicle Parking	See Section 17.16.070, Electric Vehicle Charging Stations			
Home Occupations	See Section 17.12.140, Home Occupations			
Nonconforming Uses and Structures	See Chapter 17.18, Nonconforming Uses, Sites, and Buildings			
Outdoor Displays and Sales	See Section 17.12.180, Outdoor Displays and Sales			
Outdoor Dining and Seating	See Section 17.12.190, Outdoor Dining and Seating			
Solar Energy Systems	See Section 17.12.220, Solar Energy Systems.			
Temporary Uses	See Section 17.12.230, Temporary Use Permit.			

**17.05.030 Development Standards**

**Table 17.05.030 - Development Standards - Commercial Zones**, prescribes the development standards for the Commercial Zones. Additional regulations are denoted in the righthand column. The specific regulations in the referenced section shall apply to the use in addition to other applicable provisions in other sections of this Zoning Code.

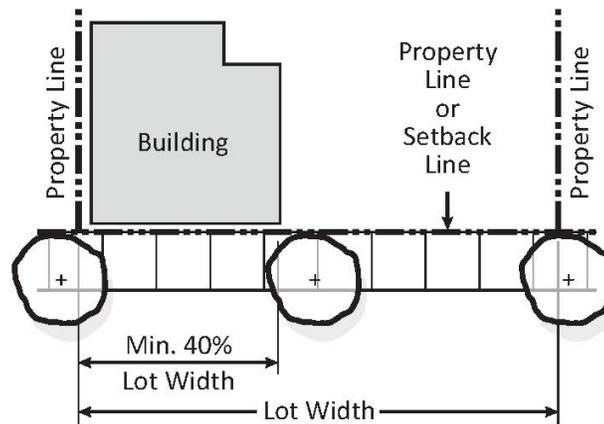
<b>Table 17.05.030 Development Standards - Commercial Zones</b>			
Standard	C-1	C-2	C-3
<b>Density and Lot Requirements</b>			
Density (units/acre)			
Maximum Density	-	-	20
Minimum Lot Size (square feet)	5,000	10,000	10,000
Minimum Lot Width (feet)	50	60	80
<b>Building Form and Location</b>			
Floor Area Ratio (FAR)			
Minimum	0.25	0.30	0.30
Maximum	0.5	1.5	2.0
Maximum Height (feet)	35	35	35
Minimum Setbacks (feet)			
Front	20	20	20
Street Side	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15/50 abutting a street adjacent to R zoned parcel
Interior Side	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15/50 abutting a street adjacent to R zoned parcel
Rear	10/20 abutting a street adjacent to R zoned parcel	10/20 abutting a street adjacent to R zoned parcel	15 /50 abutting a street adjacent to R zoned parcel
Alley	10	10	10

Table 17.05.030 Development Standards - Commercial Zones			
Standard	C-1	C-2	C-3

**17.05.040 Supplemental Regulations**

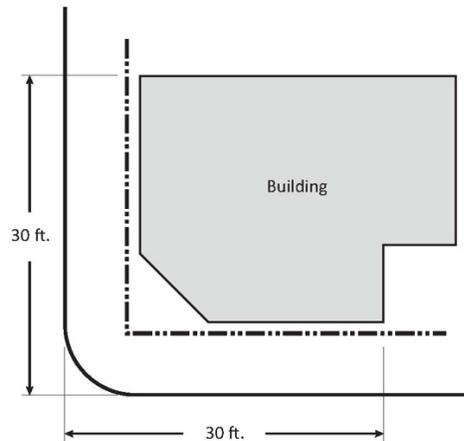
- i. Required Building Location. The following building location requirements apply in the C-3 Commercial/Residential Zone:
  - 1. Build-to Line. Buildings shall be located within 10 feet of the required setback line for at least 40 percent of the lot width.

**Figure 17.05.040-1 Maximum Setback in C-3 Zone.**



- 1. Corner Build Area. Buildings shall be located within 10 feet of the required setback line within 30 feet of the street corner.

**Figure 17.05.040-2 Corner Lot Setback.**

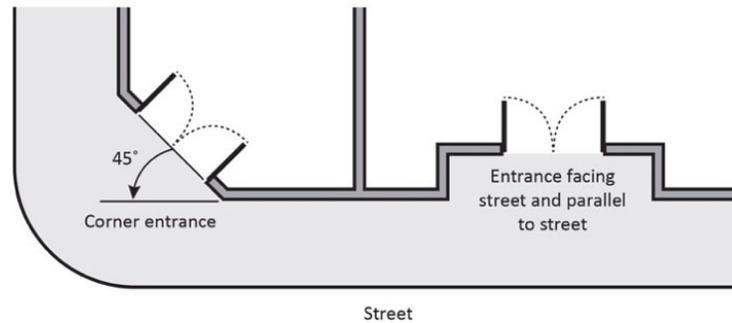


- 3. Frontage Improvements. The area between buildings and the property line shall be improved as part of a wider sidewalk, landscaping, or as outdoor dining/seating area.

4. Exceptions. These requirements may be modified or waived by the Community Development Director upon finding that:
  - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
  - b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.
- ii. Building Fenestration and Transparency. Exterior walls facing and within 20 feet of a front or street side lot line or pedestrian walkway shall include windows, doors, or other openings for at least 50 percent of the building wall area. Walls may run in a continuous plane for no more than 30 feet without fenestration.
  1. Design of Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
  2. Exceptions for Parking Garages. Multi-level garages are not required to meet the ground-floor transparency requirement.
  3. Reductions. The building transparency requirement may be reduced or waived by the Community Development Director upon finding that:
    - a. The proposed use has unique operational characteristics with which providing the required windows and opens is incompatible, and
    - b. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- iii. Building Articulation.
  1. A minimum two-foot offset is required for any wall plane that exceeds 30 feet in length.
  2. Buildings that are two stories in height or more shall have massing breaks at least every 100 feet along any street frontage adjacent. Breaks in massing may be provided through the use of varying setbacks and/or building entries. Massing breaks shall be a minimum of two feet deep and four feet wide and extend the full height of the building. Building entrances and front porches may count towards meeting this requirement.
- D. Building Orientation.
  1. Buildings shall be oriented to face streets and pedestrian walkways.
  2. Buildings shall be designed and oriented to minimize the visual intrusion into adjoining residential properties. Window, balcony, and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).
- E. Building Entrances.
  1. The primary building entrance shall face a public sidewalk.
  2. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian

flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.

**Figure 17.05.040-3 Building Entrances.**



3. All building and dwelling units located in the interior of a site shall have entrances from a pedestrian walkway that is designed as an extension of the public sidewalk and connect to a public sidewalk.
- F. Exterior Building Materials and Colors.**
1. A unified palette of quality materials shall be used on all sides of buildings.
  2. Exterior building materials shall be stone, brick, stucco, textured concrete, painted wood clapboard, painted metal clapboard or other quality, durable materials.
- G. Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.
1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  2. **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planner or existing pedestrian routes or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
  3. **To Neighborhoods.** Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
  4. **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
  5. **Pedestrian Walkway Design.**
    - a. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.



## Chapter 17.06 Industrial and Office Zone Districts

### Subsections:

- 17.06.010 Purpose and Applicability
- 17.06.020 Land Use Regulations
- 17.06.030 Development Standards
- 17.06.040 Supplemental Regulations
- 17.06.050 Recycling Facilities

### 17.06.010 Purpose and Applicability

A. Purpose and Applicability. The purposes of the Industrial and Office Zones are to:

1. Designate adequate land for industrial uses and growth consistent with the General Plan;
2. Maintain and strengthen the City's economic resources;
3. Provide a range of employment opportunities to meet the needs of current and future residents; and
4. Provide areas for a wide range of manufacturing, industrial processing, and service industrial uses and protect areas where such uses now exist.

Additional purposes of each Industrial and Office Zones:

**Light Industrial (M-1).** The M-1 Zone is intended to accommodate a diverse range of light industrial and workplace uses and protect these areas from incompatible uses. This Zone provides for industrial buildings, warehouses, light manufacturing, public and quasi- public uses, and similar and compatible uses. This Zone implements the Industrial/Business Park General Plan Land Use Designation.

**Heavy Industrial (M-2).** The M-2 Zone is intended to accommodate manufacturing, processing, storage, and similar industrial uses, including those which may create some adverse conditions, subject to the regulations needed to control congestion and to protect the surrounding area or adjoining premises. This Zone provides for manufacturing, processing, assembly, research, wholesale and storage use, trucking terminals, railroad facilities, and public and quasi-public uses, and similar and compatible uses. This Zone implements the Industrial/Business Park General Plan Land Use Designation.

**Business Park (BP).** The BP Zone is intended to provide areas for large-scale, planned business park development. This Zone provides for professional and administrative offices, medical and dental offices, laboratories, financial institutions, industrial parks, warehouses, distribution centers, light manufacturing, locally oriented retail and service uses, public and quasi-public uses, and similar and compatible uses. This Zone implements the Industrial/Business Park Land Use Designation of the General Plan.

### 17.06.020 Land Use Regulations

**Table 17.06.020, Land Use Regulations** - Industrial and Employment Zones, sets the land use regulations for the Industrial and Office Zones. Land uses are defined in Chapter 17.38, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit

approval. Section numbers in the right-hand column refer to other applicable provisions in other sections of this Zoning Code.

<b>Table 17.06.020 Land Use Regulations-Industrial and Office Zones</b>				
<i>"P" = Permitted Use</i>	<i>"M" = Minor Use Permit Required</i>	<i>"C" = Conditional Use Permit Required</i>	<i>"-" = Not Allowed</i>	
<b>Land Use Classifications</b>	<b>M-1</b>	<b>M-2</b>	<b>BP</b>	<b>Notes and Additional Regulations</b>
<b>Public/Semi-Public Uses</b>				
Colleges and Trade Schools	P	P	C	
Emergency Shelter	C	C	C	Shall be consistent with AB 2339
Hospitals and Clinics	-	-	C	
Instructional Classes/Studios	P	-	P	
Park and Recreation Facilities	P	P	P	
Parking Lots and Structures	M	M	M	
Public Safety Facilities	P	P	P	
<b>Commercial Uses</b>				
Adult Entertainment	-	C	C	
<b>Animal Care, Sales, and Services</b>	<b><i>See subclassifications below</i></b>			
Animal Sales and Grooming	-	-	P	
Boarding/Kennels	P	P	C	
Veterinary Services	P	P	P	
<b>Automobile/Vehicle Sales and Services</b>	<b><i>See subclassifications below</i></b>			
Automobile Rentals	P	P	-	
Automobile/Vehicle Repair, Major	C	P	-	See Section 17.12.070.
Automobile/Vehicle Service and Repair, Minor	P	P	-	
Automobile/Vehicle Sales and Leasing (new and used)	P	P	-	
Fueling/Charging Stations (including alternative fuels)	C	C	-	
Large Vehicle and Equipment Sales, Service, and Rental	P	P	-	

<b>Table 17.06.020 Land Use Regulations-Industrial and Office Zones</b>				
<i>"P" = Permitted Use</i>	<i>"M" = Minor Use Permit Required</i>	<i>"C" = Conditional Use Permit Required</i>	<i>"-" = Not Allowed</i>	
<b>Land Use Classifications</b>	<b>M-1</b>	<b>M-2</b>	<b>BP</b>	<b>Notes and Additional Regulations</b>
Automobile /Vehicle Washing	P	P	-	Includes mobile car washing. See Section 17.12.070D.
Towing and Impound	C	C	-	
Auto Dismantling and Salvage	-	-	-	Permitted on Alpha Street only. See Chapter 17.10 Auto Dismantling Overlay Zoning
<b>Banks and Financial Institutions</b>	<b><i>See subclassifications below</i></b>			
Banks and Credit Unions	-	-	P	
Check-Cashing Businesses	-	-	P	
Business Support Services	P	P	P	
<b>Commercial Entertainment and Recreation</b>	<b><i>See subclassifications below</i></b>			
Cinema/Theaters	C	-	C	
Indoor Sports and Recreation	C	C	M	
Outdoor Sports and Recreation	C	C	C	
Instructional Classes/Studios	P	-	P	
<b>Eating and Drinking Establishments</b>	<b><i>See subclassifications below</i></b>			
Bars/Night Clubs/Lounges	C	-	C	
Restaurant	P	P	P	
Farmer's Markets	M	M	M	
Catering	P	P	P	
Funeral Parlors and Interment Services	C	C	-	

<b>Table 17.06.020 Land Use Regulations-Industrial and Office Zones</b>				
<i>"P" = Permitted Use</i>	<i>"M" = Minor Use Permit Required</i>	<i>"C" = Conditional Use Permit Required</i>	<i>"-" = Not Allowed</i>	
<b>Land Use Classifications</b>	<b>M-1</b>	<b>M-2</b>	<b>BP</b>	<b>Notes and Additional Regulations</b>
Hotels	C	C	C	
Appliance Maintenance and Repair Services	P	P	P	
<b>Mobile Food Vendor</b>	<b><i>See Section 17.12.170, Mobile Food Vending</i></b>			
Nurseries and Garden Centers	P	P	P	
<b>Offices</b>	<b><i>See subclassifications below</i></b>			
Business, Professional, and Technology	P	P	P	
Medical and Dental	P	P	P	
<b>Personal Services</b>	<b><i>See subclassifications below</i></b>			
General Personal Services	P	P	P	
Massage Establishments	-	-	C	
Tattoo or Body Modification Parlor	M	M	M	
<b>Retail and Services</b>	<b><i>See subclassifications below</i></b>			
Building Materials Stores and Yards	P	P	-	
Home Improvement Sales	P	P	-	
Convenience Stores	C	C	P	
Food and Beverage – Retail Sales	C	-	P	
General Retail	C	C	C	
<b>Industrial Uses</b>	<b><i>See subclassifications below</i></b>			
Cannabis-Related Industrial	<b><i>See subclassifications below</i></b>			
Cannabis Indoor Commercial Cultivation Facility	-	-	-	
Cannabis Laboratory Materials Testing Facility	-	-	-	
Cannabis Manufacturing Facility	-	-	-	
Wholesale Cannabis Logistics, Distribution, and Transportation Facility	-	-	-	
Construction and Material Yards	P	P	-	

<b>Table 17.06.020 Land Use Regulations-Industrial and Office Zones</b>				
<i>"P" = Permitted Use</i>	<i>"M" = Minor Use Permit Required</i>	<i>"C" = Conditional Use Permit Required</i>	<i>"-" = Not Allowed</i>	
<b>Land Use Classifications</b>	<b>M-1</b>	<b>M-2</b>	<b>BP</b>	<b>Notes and Additional Regulations</b>
Custom and Artisan Manufacturing	P	P	-	
Donation Center/Station	C	C	-	
Food and Beverage Manufacturing	P	P	C	See Chapter 17.21, Performance Standards
Light Manufacturing	P	P	P	
Heavy Manufacturing	-	P	C	
Research and Development	P	P	P	
Hazardous Materials	C	C	C	
Materials Recovery Facility	-	C	-	Subject to Development Agreement approved by the City
Indoor Warehousing, Storage and Wholesaling and Distribution	P	P	P	
Outdoor Storage	-	M	-	Incidental use outside building.
Personal Storage (mini-storage)	C	C	-	
<b>Transportation, Communication, and Utility Uses</b>				
Airports and Heliports	-	C	-	
Communication Facilities Within Buildings	P	P	P	
Wireless Telecommunications	<b>See Section 17.12.260, Wireless Telecommunications Facilities</b>			
Freight/Trucking Facilities	-	C	-	
Light Fleet-Based Services	M	M	-	
Professional Fleet-Based Services	-	P	-	
Public Works and Utilities	C	C	-	

<b>Table 17.06.020 Land Use Regulations-Industrial and Office Zones</b>				
<i>"P" = Permitted Use</i>	<i>"M" = Minor Use Permit Required</i>	<i>"C" = Conditional Use Permit Required</i>	<i>"-" = Not Allowed</i>	
<b>Land Use Classifications</b>	<b>M-1</b>	<b>M-2</b>	<b>BP</b>	<b>Notes and Additional Regulations</b>
<b>Recycling Facility</b>	<i>See subclassifications below</i>			
Reverse Vending Machine (incidental to other retail use)	C	C	-	
Recycling Collection Facility	-	C	-	
Recycling Processing Facility	-	C	-	
<b>Agricultural and Extractive Uses</b>				
Commercial Nursery	M	M	-	
Surface Mining Operations	-	C	-	See Surface Mining and Reclamation Plans, Chapter 17.22
<b>Additional Uses</b>				
Accessory Uses and Structures	See Section 17.12.040, Accessory Uses in Non-Residential Zones.			
Electric Vehicle Parking	See Section 17.16.070.D, Electric Vehicle Charging Stations.			
Nonconforming Uses and Structures	See Chapter 17.18, Nonconforming Uses, Sites, and Buildings.			
Outdoor Dining and Seating	See Section 17.12.190, Outdoor Dining and Seating.			
Solar Energy Systems	See Section 17.12.220, Solar Energy Systems.			
Temporary Uses	See Section 17.12.230, Temporary Use Permit.			

**17.06.030 Development Standards**

**Table 17.06.030 Development Standards** – Industrial and Office Zones, prescribe the development standards for the Industrial and Office Zones. Individual letters in parenthesis refer to subsections that directly follow the table. Additional regulations are also denoted in the right-hand column. Section numbers in this column refer to other sections of this Title.

<b>Table 17.06.030-1 Development Standards</b>			
<b>City of Irwindale Development Standards - Industrial and Office Zones</b>			
<b>Land Use Classification</b>	<b>M-1 Light Industrial Zone</b>	<b>M-2 Heavy Industrial Zone</b>	<b>BP Business Park</b>
<b>Lot and Density Standards</b>			
Minimum Lot Size (square feet)	-	-	3 acres

Table 17.06.030-1 Development Standards					
City of Irwindale Development Standards - Industrial and Office Zones					
Land Use Classification	M-1 Light Industrial Zone		M-2 Heavy Industrial Zone		BP Business Park
unless otherwise indicated)					
Minimum Lot Width (feet)	-		-		-
Building Form and Location Standards					
Maximum Floor Area Ratio (FAR)	0.75		1.0		1.0
Maximum Height (see definitions for details)	50 feet	35 feet if parcel is within 250 feet of a Residential Zoned Property <sup>1</sup>	50 feet; 60 feet if abutting freeway	40 feet if parcel is within 250 feet of a Residential Zoned Property <sup>1</sup>	65
Minimum Setbacks (feet)					
Front	20 feet M2 Zone: Minimum of 30 feet for a property adjacent or across the street from a Residential zone.				
Street Side	15 feet M2 Zone: Minimum of 50 feet for a property adjacent or across the street from a Residential Zone.				
Interior Side	0 feet on each side, except that a minimum of 15 feet is required along each property line abutting a Commercial Zone.  M1 and BP Zone: minimum of 30 feet for a property abutting a Residential Zone. M2 Zone: Minimum of 50 feet for a property abutting a Residential Zone.				
Rear	0 feet; 15 feet abutting a Commercial Zone. A minimum of 50 feet for a property abutting a Residential Zone.				
Alley	10 feet		10 feet		10 feet

<sup>1</sup> The residential buffer is measured from the property line of the nearest residentially zoned parcel to the property line of the industrial parcel.

**17.06.040 Supplemental Regulations**

- A. Large-Scale Industrial and Office Development. All new industrial, office, and flex-space development containing 80,000 square feet or more of floor area shall provide the following:
  - 1. Ten percent of the total site area shall be provided for open space (separate and dedicated area outside of required setbacks), providing gathering space or opportunities for active or passive

recreation. Open space areas shall include amenities that enhance the comfort, aesthetics, and usability of the space, including but not limited to: benches, trees, shade structures, drinking fountains, or public art.

2. Pedestrian walkways shall connect all parts of the business park and to any existing or planned pedestrian walkways and bike paths in adjacent areas or neighborhoods.
3. Any stormwater detention facilities shall be incorporated into the site landscaping as a visual amenity.

**B. Building Articulation.**

1. Industrial buildings shall have massing breaks at least every 100 feet along street frontages. Breaks in massing may be provided through varying façade projections and/or building entries. Massing breaks shall be a minimum of two feet deep and extend the full height of the building.

**17.06.050 Recycling Facilities**

**A. Definitions**

For the purpose of carrying out the purpose of this code, the words, phrases and terms included in this title shall have the meaning ascribed to them in this chapter. The use of the terms "collection facilities" or "processing facilities" herein, whether large or small, shall not apply to (i) auto dismantling/recycling facilities or junk/salvage/scrap yards; (ii) asphalt plants; (iii) concrete plants; (iv) concrete product manufacturing; (v) rubberized materials/tire recycling; and (vi) landfills.

1. Large Collection Facilities. A center for the acceptance by donation, redemption or purchase of recyclable materials from any person. Such a facility uses power driven processing equipment. Large collection facilities have storage areas that occupy more than five hundred square feet.
2. Large Processing Facilities. A facility used for the collection and processing of recyclable materials that occupies twenty-five thousand square feet or more of gross collection, processing and storage area.
3. Small Collection Facilities. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power driven processing equipment. Small collection facilities have storage areas that occupy no more than five hundred square feet.
4. Small Processing Facilities. Same as large processing facility, but occupies twenty-four thousand nine hundred ninety-nine square feet or less of gross collection, processing and storage area.
5. Material Recovery Facilities/Transfer Stations (MRF/TS). Facilities operated by a city-franchised waste hauler for the recovery, processing and/or transfer of recyclable materials, refuse and solid waste from the municipal waste stream, including its City-approved related or incidental uses.

**B. Criteria and Standards**

1. Collection Facilities
  - a. Cannot abut residentially zoned or used property.

- b. Any storage containers or other equipment or materials must be stored behind a solid masonry wall a minimum of six feet zero inches and a maximum of eight feet zero inches in height and adequately screened.
- c. Any storage container must be located a minimum of ten feet from any property line.
- d. Containers must be constructed and maintained with durable waterproof and rustproof materials, adequately painted and maintained in good condition.
- e. Site must be secured and maintained free of litter, debris, noxious odors, pests, vermin or any other undesirable material.
- f. Site must maintain a minimum of five feet zero inches landscape buffer between masonry wall and right of way.
- g. Provide parking for each commercial vehicle associated with the use.
- h. There shall be no more than five outbound truck shipments of material per day. A truck is a commercial motor vehicle weighing ten thousand pounds or more unladen. Truck shipments do not include public drop-off.
- i. All outbound truck shipments shall be maintained in a log. The log must contain vehicle type, license plate number, driver's name, registered owner and weight and type of material removed from the facility. Logs shall be subject to city review at any time.
- j. No facility shall be located within five hundred feet of property zoned or planned for residential use.
- k. Applicant must have all applicable permits from the California Department of Conservation and meet the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
- l. Site must receive monthly steam cleaning. A valid maintenance contract must be submitted to the planning department for review prior to obtaining a certificate of occupancy and kept in effect at all times.
- m. Signs shall be limited to building walls only. No signage shall be placed on any perimeter/free-standing walls or storage containers.
- n. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification and informational signs shall be subject to the sign standards applicable to the zone in which the facility is located. Onsite directional signs, bearing no advertising message, may be installed with the approval of the planning director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way. Directional signs shall include the city's logo.
- o. Provide an extra trash enclosure for waste/non-recyclable materials and excess trash, such as bags used to transport the recyclables.
- p. City of Irwindale must receive the source credit for the collections and processing.
- q. No after-hours drop off shall be allowed.
- r. No hazardous materials, including but not limited to, automotive fluids shall be permitted on site. Any hazardous materials inadvertently introduced into the site shall be disposed of immediately per state law requirements.

- s. Facility is subject to annual inspections by the city to verify compliance with approved conditions of approval and applicable law.
- t. Facility must submit reports for yearly disposal and diversion amounts to be reviewed by the planning department and finance department. Diversion activities must be in accordance with all applicable federal, state and local requirements.
- u. Facility is required to obtain a City business license.
- v. All inspections and report reviews are subject to a fee.
- w. Except for small quantities of CRV materials, if warranted as determined by the director of planning and in accordance with state law requirements, the facility will be required to maintain a customer log; at which time the customer must show valid identification, such as a state issued driver's license, identification card and/or thumb print where applicable.
- x. All portions of the lot shall be paved.
- y. The conditional use permit shall be subject to revocation after three substantiated complaints to the city or other regulatory agency in a twelve-month period.
- z. Adequate security measures shall be established, including but not limited to cameras with recording capabilities, motion sensors and lighting.
- aa. Any request for expansion of an existing facility requires a modification of the previously approved conditional use permit.
- bb. Recycling facilities shall not be permitted within two thousand feet of any other recycling facility.
- cc. Hours of operation shall be limited to Monday through Sunday, seven a.m. until seven p.m.
- dd. Collection shall be limited to the hours of seven a.m. to five p.m.
- ee. All after-hours operations (five p.m. to seven p.m.) shall be restricted to facility related functions only, including but not limited to clean up, inventory and vehicle parking.
- ff. No mobile or unattended collection containers shall be permitted.
- gg. Minor repairs shall be permitted for fleet vehicles and machinery only. All repairs must be done within an enclosed building or shielded from the public right of way and be limited to oil changes, tire changes and the like.
- hh. Recycling taxes, when applicable should be paid per Section 3.18.070.
- ii. Recycling activities must be in accordance with all applicable federal, state and local requirements.

## 2. Processing Facilities

- a. There shall be no more than five outbound truck shipments of material per day. A truck is a commercial motor vehicle weighing ten thousand pounds or more unladen. Truck shipments do not include public drop-off.
- b. All outbound truck shipments shall be maintained in a log. The log must contain vehicle type, license plate number, driver's name, registered owner and weight and type of material removed from the facility. Logs shall be subject to city review at any time.

- c. Processing is limited to baling, briquetting, crushing, compacting, grinding, shredding, flattening, grinding and sorting of source-separated recyclable materials.
- d. The facility shall not shred, compact or bale ferrous metals. Shredding, compacting and baling of materials include, but is not limited to food/beverage and non-food/beverage containers, such as cardboard, paper, cans and polystyrene.
- e. No facility shall be located within five hundred feet of property zoned or planned for residential use.
- f. Site must receive monthly steam cleaning. A valid maintenance contract must be submitted to the planning department for review prior to obtaining a certificate of occupancy and kept in effect at all times.
- g. Site must be secured and maintained free of litter, debris, noxious odors, pests or any other undesirable material.
- h. Signs shall be limited to building walls only. No signage shall be placed on any perimeter/free-standing walls or storage containers.
- i. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification and informational signs shall be subject to the sign standards applicable to the zone in which the facility is located. Onsite directional signs, bearing no advertising message, may be installed with the approval of the planning director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way. Directional signs shall include the City's logo.
- j. Provide an extra trash enclosure for waste/non-recyclable materials and excess trash, such as bags used to transport the recyclables.
- k. City of Irwindale must receive the source credit for the collections and processing.
- l. No after-hours drop off shall be allowed. No hazardous materials, including but not limited to, automotive fluids shall be permitted on site. Any hazardous materials inadvertently introduced into the site shall be disposed of immediately per state law requirements.
- m. Facility is subject to annual inspections by the City to verify compliance with approved conditions of approval and applicable law.
- n. Facility must submit reports for yearly disposal and diversion amounts to be reviewed by the planning department and finance department. Diversion activities must be in accordance with all applicable federal, state and local requirements.
- o. Facility is required to obtain a city business license.
- p. All inspections and report reviews are subject to a fee.
- q. Except for small quantities of CRV materials, if warranted as determined by the director of planning and in accordance with state law requirements, the facility will be required to maintain a customer log; at Which time the customer must show valid identification, such as a state issued driver's license, identification card and/or thumb print where applicable.
- r. All portions of the lot shall be paved.
- s. The conditional use permit shall be subject to revocation after three substantiated complaints to the city or other regulatory agency in a twelve-month period.

- t. Adequate security measures shall be established, including but not limited to cameras with recording capabilities, motion sensors and lighting.
  - u. Any request for expansion of an existing facility requires a modification of the previously approved conditional use permit.
  - v. Recycling facilities shall not be permitted within two thousand feet of any other recycling facility.
  - w. Hours of operation shall be limited to Monday through Sunday, seven a.m. until seven p.m.
  - x. Processing shall be limited to the hours of seven a.m. to five p.m.
  - y. All after-hours operations (five p.m. to seven p.m.) shall be restricted to facility related functions only, including but not limited to clean up, inventory and vehicle parking.
  - z. Minor repairs shall be permitted for fleet vehicles and machinery only. All repairs must be done within an enclosed building or shielded from the public right of way and be limited to oil changes, tire changes and the like.
  - aa. Recycling taxes, when applicable should be paid per Section 3.18.070.
  - bb. Recycling activities must be in accordance with all applicable federal, State and local requirements.
- 3. Material Recovery Facilities/Transfer Stations (MRF/TS)**
- a. Must be approved by development agreement and limited, non-exclusive or exclusive franchise agreement, pursuant to which additional standards beyond those required in this subsection C. may apply.
  - b. Any storage containers or other equipment or materials must be stored in a manner so as to be adequately screened from the public right-of-way.
  - c. Any storage container must be located a minimum of ten feet from any property line.
  - d. Containers must be constructed and maintained with durable waterproof and rustproof materials, adequately painted and maintained in good condition.
  - e. Sufficient parking for operator's commercial and employee vehicles, as well as visitor parking, in the amount required per Section 17.64 shall be provided.
  - f. Must have all applicable permits from the California Department of Conservation and meet the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
  - g. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification and informational signs shall be subject to the sign standards applicable to the zone in which the facility is located. Onsite directional signs, bearing no advertising message, may be installed with the approval of the planning director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way. Directional signs shall include the city's logo.
  - h. The city of Irwindale must receive the source credit for the collections and processing.
  - i. No hazardous materials, including but not limited to, automotive fluids shall be permitted on site. Any hazardous materials inadvertently introduced into the site shall be disposed of immediately per state law requirements.

- j. The facility is subject to annual inspections by the city to verify compliance with approved conditions of approval and applicable law.
  - k. The facility must submit reports for yearly disposal and diversion amounts to be reviewed by the planning department and finance department. Diversion activities must be in accordance with all applicable federal, state and local requirements.
  - l. The facility is required to obtain a city business license.
  - m. Except for small quantities of CRV materials, if warranted as determined by the community development director and in accordance with state law requirements, the facility will be required to maintain a customer log; at which time the customer must show valid identification, such as a state issued driver's license, identification card and/or thumb print where applicable.
  - n. All portions of the lot, other than approved landscaping areas, shall be paved.
  - o. Adequate security measures shall be established, including but not limited to, cameras with recording capabilities, motion sensors and lighting.
  - p. Any request for expansion of an existing facility requires a modification of the previously approved development agreement or conditional use permit, unless such modification meets criteria for minor modifications per the development agreement or conditional use permit conditions.
  - q. Hours of operation shall be established in the development agreement or conditional use permit.
  - r. Minor repairs shall be permitted for fleet vehicles and machinery only. All repairs must be done within an enclosed building or shielded from the public right-of-way and be limited to oil changes, tire changes and the like.
  - s. Recycling activities must be in accordance with all applicable federal, state and local requirements.
  - t. Minimum landscaping requirements shall be per the approved site plan and shall not be subject to the minimum requirements otherwise applicable in the M-2 zone.
  - u. Must comply with all applicable environmental mitigation measures at all times, including odor and noise, and promptly and adequately address all complaints received from the general public and report same to the community development director within forty-eight hours.
  - v. To the extent a duly-approved development agreement or conditional use permit contains terms or conditions more specific than the ones contained in this section or elsewhere in the code, the more specific terms shall control.
- C. Amortization Schedule**
- a. Existing lawfully established recycling facilities/uses located within the M-1 (light manufacturing) zone and all zones within one hundred feet of residential zones shall obtain a conditional use permit by the Planning Commission pursuant to Irwindale Municipal Code Section 17.28. An application for a conditional use permit shall be submitted within a two-year period of the effective date of the ordinance codified in this section.
  - b. Existing lawfully established recycling facilities/uses located within the M-2 (heavy manufacturing) zone and all zones within one hundred feet of residential zones shall obtain a

- conditional use permit by the Planning Commission pursuant to Irwindale Municipal Code Section 17.28. An application for a conditional use permit shall be submitted within a five-year period of the effective date of the ordinance codified in this section.
- c. When approving a conditional use permit, the Planning Commission shall make findings regarding the adequacy of on-site parking and applicable development standards contained in Irwindale Municipal Code Section 17.28. The planning commission shall require, as a condition precedent to the continued use of the property under the conditional use permit, that a report be submitted by the applicant, which shall provide and include plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. The planning commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:
    - i. New or rehabilitated landscaping.
    - ii. Exterior changes to promote compatibility of buildings and structures with design guidelines and surrounding development.
    - iii. Maintain vehicular maneuvering and parking areas in good repair.
    - iv. Modifications designed to bring a structure more nearly into compliance with the applicable standards for commercial uses.
  - d. All nonconforming structures shall be removed following the amortization period, without compensation from the city, in accordance with state law. Nonconforming structures not removed after the applicable amortization period shall be considered public nuisances subject to immediate abatement.
  - e. This section shall not validate any existing recycling facilities/uses. Nor shall any business which is operating in violation of any city code or permit applicable at the time of adoption of this ordinance benefit from the amortization period provided herein.

## Chapter 17.07 Public and Semi-Public Zone Districts

### Subsections:

17.07.010 Purpose and Applicability

17.07.020 Land Use Regulations

17.07.030 Development Standards

### 17.07.010 Purpose and Applicability

A. Purpose and Applicability. The purposes of the Public and Semi-Public Zones are to:

1. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;
2. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses;
3. Provide opportunities for outdoor recreation, and meet the recreational needs of City residents; and
4. Reserve areas for passive recreation, open space, and habitat protection and enhancement.

#### Additional purposes of each of the Public and Semi-Public Zone Districts:

**Public/Semi-Public(P/SP).** The P/SP Zone is intended to provide a broad range of government, institutional, educational, and assembly uses. All public streets, roads, highways, and bodies of water are assumed to be zoned P/SP. This Zone provides for government-owned facilities, public and private schools, and other public and quasi-public uses. This Zone implements the Public/Institutional General Plan Land Use Designation.

**Open Space (OS).** The OS Zone is intended to preserve lands for such purposes such as open space, habitat protection, drainage/flood control, mitigation, and passive recreation. This Zone provides for natural open space areas where public ownership, easements, or other entitlement provide a public purpose. This Zone implements the Open Space/Easements General Plan Land Use Designation.

**Recreation and Parks (RP).** The RP Zone is intended to provide lands of natural beauty or recreational features for public use. This Zone provides for existing and major planned public parks. This Zone implements the Parks General Plan Land Use Designation.

### 17.07.020 Land Use Regulations

**Table 17.07.020, Land Use Regulations** - Public and Semi-Public Zones, sets the land use regulations for the Public and Semi-Public Zones. Land uses are defined in Chapter 17.38, Use Classifications. In cases where a specific land use or activity is not defined, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table and not substantially like the uses below may be allowed pursuant to Conditional Use Permit approval. Section numbers in the right-hand column refer to other applicable provisions in other sections of this Zoning Code.

<b>Table 17.07.020 Land Use Regulations – Public and Semi-Public Zones</b>				
"P"= Permitted Use	"M"= Minor Use Permit Required	"C"= Conditional Use Permit Required	"-" = Use Not Allowed	
<b>Land Use Classification</b>	<b>P/SP</b>	<b>OS</b>	<b>RP</b>	<b>Additional Regulations</b>
Residential Care Facilities	C	-	-	See Residential Care Facilities, Section 17.12.210
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zone.			
Transitional Housing				
<b>Public/Semi-Public Uses</b>				
Campground	-	C	-	
Colleges and Trade Schools	C	-	-	
Community Assembly/Senior Center	P	P	P	
Cultural Institutions	P	P	P	
Day Care, General	P	-	P	See Section 17.12.090, Day Care, General
Government Offices	P	P	P	
Instructional Services	C	-	C	
Park and Recreation Facilities	P	P	P	
Public Safety Facilities	P	P	-	
Animal Shelter	C	C	-	
Schools	P	-	-	
<b>Commercial Uses</b>				
Indoor Sports and Recreation	P	P	P	
Outdoor Entertainment, Private	-	-	P	
Outdoor Entertainment, Public	P	P	P	
Outdoor Sports and Recreation	P	P	P	
Farmer's Markets	P	P	P	
Shooting Range (Indoor)	C	C	-	
<b>Communication Facilities</b>				
Telecommunications Facilities Private (New Stand Alone)	C	C	C	

<b>Table 17.07.020 Land Use Regulations – Public and Semi-Public Zones</b>				
"P"= Permitted Use	"M"= Minor Use Permit Required	"C"= Conditional Use Permit Required	"-" = Use Not Allowed	
<b>Land Use Classification</b>	<b>P/SP</b>	<b>OS</b>	<b>RP</b>	<b>Additional Regulations</b>
Telecommunications Facilities Private (Change to Existing Facility – co-location)	P	P	P	
<b>Other Uses</b>				
Nonconforming Uses and Structures	See Section 17.18, Nonconforming Uses, Sites, and Buildings			
Outdoor Dining and Seating	See Section 17.12.190, Outdoor Dining and Seating			
Electric Vehicle Parking	See Section 17.16.070, Electric Vehicle Charging Stations			
Solar Energy Systems	See Section 17.12.220, Solar Energy Systems			
Temporary Uses	See Section 17.12.230, Temporary Use Permits			

### 17.07.030 Development Standards

**Table 17.07.030 Development Standards - Public and Semi-Public Zones**, prescribes the development standards for the Public and Semi-Public Zones. Additional regulations are denoted in the righthand column. Section numbers in this table refer to other sections of this Title.

<b>Table 17.07.030- Development Standard-Public and Semi-Public Zones</b>			
Standard	P/SP	OS	RP
<b>Building Form and Location</b>			
Maximum Floor Area Ratio (FAR)	0.5	0.1	0.2
Maximum Height (feet)	45	20	30
<b>Minimum Setbacks (feet)</b>			
Front	20	20	20
Street Side	15	15	15
Interior Side	5	5	5
Rear	5	5	5

## Chapter 17.08 Specific Plan Zones

### Subsections:

17.08.010 Purpose

17.08.020 Applicability

17.08.030 Adopted Specific Plans

### 17.08.010 Purpose

The purpose of this Chapter is to identify all of the adopted Specific Plans that apply in the City of Irwindale and reference the regulations that apply. A Specific Plan may be established to implement Sections 65450 through 65457 of the California Government Code. A Specific Plan is designed to provide for flexibility, innovative use of land resources and development, a variety of commercial, housing and other development types, and an effective and safe method of pedestrian and vehicular circulation.

### 17.08.020 Applicability

The Specific Plan zone will apply to all properties lying within the bounds of a Specific Plan that has been adopted by resolution or ordinance of the City Council. Once adopted, a Specific Plan shall govern all use and development of properties within the bounds of that Specific Plan. The following provisions shall apply for all Specific Plans in the City of Irwindale.

- A. Where a Specific Plan is silent regarding development standards, the provisions of this Title shall govern. The Community Development Director shall have the authority to determine which provisions of this Title apply where a Specific Plan is silent.
- B. When a use is not specifically listed as permitted in the Specific Plan, the Community Development Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the Specific Plan as permitted or not found to be substantially like a permitted use are prohibited.
- C. No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan, unless found to be consistent with the adopted Specific Plan.

### 17.08.030 Adopted Specific Plans

The following is a list of the City's adopted Specific Plans. Each Specific Plan area is mapped on the official Zoning Map.

- A. **City of Hope Campus Specific Plan.** See the City of Hope Campus Specific Plan on file with the City of Irwindale.
- B. **The Park at Live Oak Specific Plan.** See the Park at Live Oak Specific Plan on file with the City of Irwindale.
- C. **The Reliance II Specific Plan.** See the Reliance II Specific Plan on file with the City of Irwindale.
- D. **The Gateway Specific Plan.** See the Gateway Specific Plan on file with the City of Irwindale.

## **Chapter 17.09 Planned Development (PD) Overlay Zone**

### **Subsections:**

- 17.09.010 Purpose and Applicability
- 17.09.020 Zoning Map Designation
- 17.09.030 Land Use Regulations
- 17.09.040 Development Standards
- 17.09.050 Procedures
- 17.09.060 Required Findings
- 17.09.070 Conditions
- 17.09.080 Expiration and Extension
- 17.09.090 Amendments of Approved Plans
- 17.09.100 Project Review

### **17.09.010 Purpose and Applicability**

A. Purpose and Applicability. The purpose of this Chapter is to establish a Planned Development (PD) Overlay Zone that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions to:

1. Promote the development of a cohesive and aesthetically pleasing urban environment;
2. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zone regulations;
3. Ensure compliance with the General Plan and provide various types of land uses which can be combined in compatible relationships with each other as a part of a holistically planned development; and
4. Promote innovative retail that is less automobile dependent;
5. Create residential development that serves a variety of household types;
6. Develop pedestrian-friendly neighborhoods and enhanced community character;
7. Utilize uses and resources more efficiently;
8. Promote compatibility with transit access along local corridors.

### **17.09.020 Zoning Map Designation**

A Planned Development Overlay Zone shall be noted on the Zoning Map by adding the designation “-PD” to the base zone.

### **17.09.030 Land Use Regulations**

New development in a PD Overlay Zone requires a valid Planned Development (PD) Permit if it does not conform to the development standards in the PD Overlay Zone. Any permitted or conditional use authorized by this Title may be included in an approved PD Permit consistent with the General Plan designation(s) for the property.

### **17.09.040 Development Standards**

- A. Minimum Area.** The minimum area of a PD Overlay Zone shall be one acre in residential zones and two acres in non-residential zones; however, the City Council may approve a smaller area if it finds that a PD would provide greater benefits to the general welfare of the residents and property owners of Irwindale than development under conventional zoning because of unique characteristics of the site or the proposed use.
- B. Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter 17.15, Affordable Housing, Density Bonuses, and Other Incentives, the total number of dwelling units in a PD Overlay Zone shall be up to a maximum of 20 units per acre, excluding areas devoted to public and private streets.
- C. Performance Standards.** The Performance Standards prescribed by Chapter 17.21, Performance Standards, apply.
- D. Other Development Standards.** Other development standards shall be as prescribed by the PD Overlay Zone. Where the PD Overlay Zone is silent regarding particular development standards, the development standards of the applicable base zone shall apply.

### **17.09.050 Procedures**

- A. Review Authority.** A PD Overlay Zone must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- B. Review Procedures.**
  - 1. Zoning Amendment.** An application for a PD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 17.35, Amendments to the General Plan, Zoning Code, and Zoning Map, and shall include a PD Permit.
  - 2. Permitting.** A PD shall be processed in the same manner as a Conditional Use Permit application, pursuant to Chapter 17.28, Use Permits.
  - 3. Tentative Subdivision Map.** When a PD Permit requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. Initiation.** An application for a PD Overlay Zone shall be initiated by a property owner or authorized agent, Community Development Director, Planning Commission, or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent

of ownership shall be submitted with the application.

- D. Application Contents. A qualified applicant shall apply for a PD Overlay Zone on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit additional information and supporting data as considered necessary to process the application.

#### **17.09.060 Required Findings**

A PD Permit and/or PD Overlay Zoning Amendment shall only be approved if all of the following findings are made:

- A. Consistency with the General Plan. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply
- B. Physically Suitable. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate Transportation. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. Compatible for Area of Development. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. Design Guidelines. The development generally complies with applicable design guidelines found in the City of Irwindale Commercial and Industrial Design Guidelines document;
- F. Compatible with the Zoning. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zone, and will achieve superior community design, environmental preservation and/or substantial public benefit.

#### **17.09.070 Conditions**

In approving a PD Overlay Zone and/or PD Permit, the Review Authority may impose reasonable conditions deemed necessary to:

- A. Consistency with the General Plan. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Title. Ensure the project achieves the specific purpose of the zone in which the project is located;
- C. Mitigate any potentially significant impacts. Impacts are identified as a result of a review conducted in compliance with the requirements of the California Environmental Quality Act.

### **17.09.080 Expiration and Extension**

#### **A. Expiration.**

1. PD Permit. A PD Permit shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Permit may specify a development staging program exceeding two years.
2. Phased Development. If the applicant intends to develop the project in phases, and the Review Authority approves phased development, the PD Permit shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

#### **B. Extension.** The Community Development Director may approve extensions of time for PD Permits, including those approved by the Planning Commission or City Council, in accordance with the following:

1. Extensions shall be approved only when it is found that the circumstances under which the permits were granted have not substantially changed.
2. Applicants must request an extension a minimum of 60 days in advance of the expiration of the PD Permit.
3. Extensions shall be approved for not more than two years.

### **17.09.090 Amendments of Approved Plans**

#### **A. Amended Plans.** Amendments to a PD Overlay Zone or PD Permit may be requested by the applicant or its successors in interest. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Community Development Director shall determine if the proposed amendment constitutes a major or minor amendment.

#### **B. Major Amendments.** Major Amendments to an approved PD Overlay Zone or PD Permit shall first be reviewed by the Planning Commission with a recommendation given to the City Council. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the boundary of the PD Overlay Zone;
2. An increase or decrease in the number of dwelling units for the PD Overlay Zone that is greater than the maximum or less than the minimum stated in the PD Permit;
3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Permit;
4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director/City Engineer;
5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Overlay Zone or to the overall major street system, as determined by the Public Works Director/City Engineer; or

6. Any other proposed change to the PD Permit or the Conditions of Approval that substantially alters one or more of its components as determined by the Community Development Director.
- C. Minor Amendments. Amendments not meeting one or more of the criteria listed in 17.09.060 above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Community Development Director.

**17.09.100 Project Review**

Plans for a project in a PD Overlay Zone shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Permit and any Conditions of Approval or the PD Overlay development standards. No project shall be approved, and no building permit will be issued unless the project, alteration or use is consistent with an approved PD Permit or PD Overlay.

## Overlay Zone Regulations

### Chapter 17.10 Automobile Dismantling Overlay Zone

#### Subsections:

17.10.010 Purpose

17.10.020 Land Use and Permit Requirements

17.10.030 Development Regulations and Standards

#### 17.10.010 Purpose

The Automobile Dismantling Overlay Zone applies to the area of the City encompassing all of Alpha Street, west of Buena Vista Street, south of Meridian Street, ranging from 700 – 800 block of Alpha Street, as depicted on the Zoning Map. The establishment of an automobile dismantling land use is permitted within this area until such time as these uses on the parcel(s) are ceased and the parcel (s) is converted to an alternative land use consistent with the underlying industrial base zoning for the parcel(s.)

A. The purpose of the Automobile Dismantling Overlay Zone is to do the following:

1. To provide an area specifically to accommodate automobile dismantling uses.
2. To allow for the continuation of automobile dismantling uses.
3. To create performance standards to govern the operation of current and future automobile dismantling uses.
4. To create buffers to protect sensitive residential uses.
5. To allow for the continued use of the area subject to the overlay zone, which has historical soil compaction concerns and thus may be incapable of supporting broader land uses.

#### 17.10.020 Land Use and Permit Requirements

A. Conditional Use Permit Requirements.

1. The establishment and operation of Automobile Dismantling Yards pursuant to this section shall not be permitted unless a Conditional Use Permit authorizing such use has been granted. Automobile dismantling yards approved and regulated under this Chapter shall be limited to a 15-year approval with a single 5-year automatic extension after 15 years for compliant operations in conformance with the conditions listed in subsection C (from date when project was approved). The following uses shall be considered incidental to automobile dismantling and not subject to a Conditional Use Permit:
  - a. Automobile and motorcycle sales (excludes boats and aircraft)
  - b. Crushing and smashing operations [See *subsection 17.10.030.7(i,ii)*]
  - c. Tow yards

- B. General Conditions to Apply.** The following conditions of approval shall apply to all Conditional Use Permits for the establishment of an automobile dismantling yard:
1. A signed “Affidavit of Acceptance” of the adopted Conditions of Approval for the respective Conditional Use Permit shall be required prior to the issuance of any permits and/or licenses.
  2. The Conditional Use Permit shall be subject to recommendation for revocation upon four (4) substantiated violations of statutory law or the municipal code and failure to correct violations listed on the first notification of violation. Substantiation of violations shall be verified by the Community Development Department using any of the following methods, including but not limited to photographs or other documentation of IMC or CUP violations, physical inspection of the property or surrounding areas, or written notice to the operator and/or property owner (e.g., Notice of Violation).
  3. Each operator shall obtain all applicable permits and licenses required by the following agencies: City of Irwindale, State of California, Department of Motor Vehicles, County of Los Angeles Fire Department, Franchise Tax Board, State of California Water Resources Control Board, South Coast Air Quality Management District and any other applicable agency.
  4. Each operator shall comply with all local, state, and federal regulations.
  5. Structures measuring more than 120 square feet shall require a Building Permit per the applicable Building Codes.
  6. Automobile dismantling yards shall obtain a General Industrial Activity Storm Water Permit (GIASWP) per State Water Regional Control Board Water Quality Order No. 97-03-DWQ, Permit No. CAS00001 which pertains to industrial facilities that are subject to waste discharge requirements.
  7. Each operator shall make an initial deposit of \$1,500.00 into an oversight fund for Code Enforcement purposes to be administered as follows:
    - a. The costs of enforcement upon an operator shall be deducted from said operator’s deposit. The deposit account must be replenished in full to \$1500.00 when funds are less than \$750.00, unless the operator satisfies the requirements of **subsection b** and within 30 days of the City’s written request. The deposit account will be created by and maintained by the City of Irwindale Finance Department.
    - b. If an operator is 100% compliant with the standards of this Chapter the minimum deposit to be maintained at all times shall be reduced once every 12 months down to a minimum of \$500.00. The deposit shall be reduced at a rate of 10% per year. All amounts not required to be on deposit shall be returned to the operator. The 12-month period for deposit reduction shall commence on January 1<sup>st</sup> of each year. All remaining funds will be returned to the operator upon cessation of the business.
    - c. Enforcement charges shall be based on substantiated claims as defined in Subsection 17.10.020.B(2).

**C. Hours of operation shall be limited to:**

Monday through Friday; 7:00 A.M. to 6:00 P.M.  
Saturday and Sunday; 8:00 A.M. to 5:00 P.M.

**D. Code enforcement and violations.**

1. Violation of these criteria in this Chapter shall result in an Administrative Citation, which can result in a minimum \$100 per day per violation fine. Notwithstanding the foregoing, violation of any part of this Section is subject to the provisions of the Irwindale Municipal Code. The City may initiate other code enforcement actions authorized by this Code.
2. Each operation shall be subject to annual inspections conducted by the City and any applicable agency; however, random inspections may occur at any time.
3. A violation pertaining to abandoned vehicles that cannot be substantially linked with an operation shall not be counted toward the four (4) violations as described in this Chapter.

**E. General Maintenance**

1. All property owners and operators shall maintain pest control services from a licensed company and provide evidence of the same upon request.
2. All perimeter fencing, signage, landscaping shall be maintained and free of graffiti, weeds, peeling paint and general disrepair.
3. The entirety of each parcel shall be adequately paved based on the anticipated traffic and loads of the operation to resist wear and promote safety with the exception of landscaped areas made a part of the approved site plan on file with the required conditional use permits.
4. All light spillage shall be contained on the subject property and shall not spill over onto neighboring properties.
5. Trash receptacles shall be stored on the subject property within an approved area and shall not be visible from the public right-of-way.
6. All drainage swales on both sides of the street shall be kept free and clear of debris at all times.

**17.10.030 Development Regulations and Standards**

**A. Purpose.** The following development regulations and standards shall apply to all automobile dismantling yard uses established pursuant to this Chapter.

1. Signs. Signs that relate to or advertise any service or product rendered, manufactured, or available from the uses permitted on the property shall be permitted as an accessory use, subject to Chapter 17.19, Signs. The following additional regulations apply to each operator of an approved operation:
  - a. Freestanding signs shall not exceed a height of 12 feet and 50 square feet of gross sign face area;
  - b. Building or wall mounted signs shall not exceed 30 square feet.



serve to buffer the residential properties from the dismantling operations and shall be maintained clear of any storage of vehicles, machinery, and/or equipment. Materials that may pose an objectionable odor shall not be permitted within 25'-0" of the common property line of any property that is zoned or used for residential. However, any odors shall be abated immediately upon complaints.

**5. Walls/Fences**

- a.** A combination masonry/wrought-iron decorative wall shall be at least fifty percent open and not exceed a measurement of 8'-0" in height. Walls shall be constructed and maintained along and parallel to any street or alley.
- b.** A solid decorative masonry wall 8'-0" in height shall be constructed along the property lines abutting property zoned for commercial or residential uses.
- c.** The remainder of the perimeter of any dismantling yard shall be enclosed by a minimum 6'-0" solid fence constructed of masonry, wrought iron, tubular steel, concrete, or chain link.
- d.** All walls/fences shall be constructed of new materials. Decorative walls shall consist of colored slump-stone, split-face block, brick, stone veneer, or stucco.
- e.** All walls/fences shall be maintained at all times in a neat and orderly fashion in good repair, and free of graffiti.
- f.** The block walls/fencing adjacent to the residential properties shall not be altered or disturbed in any manner. All storage (i.e. shelves, racks, etc.) shall be kept clear of the walls and/or fences for a minimum distance of 6'-0".

**6. Landscaping**

- a.** Each parcel shall maintain a minimum 5'-0" wide landscaped buffer along the property frontage that extends the entire width of the subject property (back of sidewalk to front yard wall/fence), exclusive of any ingress and egress.
- b.** Properties that have a rear landscaped berm shall maintain the berm in an acceptable condition (i.e. removal of weeds, keeping ground cover low, trees/bushes trimmed and incorporating dust control measures).
- c.** Each parcel shall be required to submit and secure approval from the Community Development staff of a landscaping and irrigation plan. The landscaping shall be consistent throughout Alpha Street based on an approved street landscape plan. Each operator must have an approved landscaping plan in effect within 180 days following the adoption of this ordinance.
- d.** All landscaping and irrigation shall be maintained and kept in operable condition.

**7. Storage, machinery and equipment**

- a.** All operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an area enclosed within approved perimeter walls/fencing.

- b.** No materials or equipment shall be stored outside of the property or on the rooftop of any structures.
- c.** The row of vehicles and storage that is closest to the rear property line (exclusive of any required easements) shall be limited to single-vehicle height. After the first row of cars or 16'-0" (whichever is greater), then double-vehicle stacking shall be allowed as long as the vehicles are not visible from the furthest vantage point, which is Meridian Street to the north.
- d.** When adjacent to residential properties, no storage shall exceed the height of the walls/fencing or two (2) vehicle stacking maximum, whichever is less.
- e.** Vehicle fluids and/or non-dismantled vehicle parts shall be stored in a designated area subject to Fire Department approval.
- f.** All cranes and machinery that extend beyond the maximum height allowances shall be lowered when not in use.
- g.** Crushing and smashing operations shall be considered incidental and permitted on all parcels.
  - i.** Crushing and smashing operations on all parcels which abut residentially zoned properties shall be subject to the submittal and review of a noise assessment. The noise assessment shall also aid in determining the appropriate placement for associated equipment.
  - ii.** Crushing and smashing operations shall commence no earlier than 9:00 A.M. and operate no later than 6:00 P.M.

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## Chapter 17.11 - Quarry Overlay Zone

### Subsections

- 17.11.010 Intent
- 17.11.020 Uses Requiring a Conditional Use Permit
- 17.11.030 Uses Requiring a Reclamation Plan
- 17.11.040 On-site Management Required
- 17.11.050 Limitations on Quarry Uses
- 17.11.060 Maintenance of Site Requirements and Prohibited Nuisance Activity
- 17.11.070 Site Management and Security Plan
- 17.11.080 Access roads—Required surfacing
- 17.11.090 Slopes and Depth
- 17.11.100 Drainage and Erosion Control
- 17.11.110 Water Quality
- 17.11.120 Yards and Alternate Fencing Requirements
- 17.11.130 Rock Crushing Plants—Hours of Operation
- 17.11.140 Signs
- 17.11.150 Flood Control Regulation
- 17.11.160 Air Pollution and Dust Control
- 17.11.170 Hazardous Materials
- 17.11.180 Inspections
- 17.11.190 Operator Monitoring
- 17.11.200 Rehabilitation of Land
- 17.11.210 Creation of Reclamation Fund
- 17.11.220 Purpose and Uses of Reclamation Fund
- 17.11.230 Dissolution of and Withdrawals from Reclamation Fund

### 17.11.010 Intent

This section implements standards applicable to the use of property during such time as mining and reclamation are occurring at such property within the quarry zone. Upon completion of the mining and reclamation activities in accordance with the applicable reclamation plan, to the satisfaction of the city, the applicable zoning of the property will revert to the underlying zone.

For the purposes of this chapter, the definitions provided in Chapter 17.21 shall apply to this chapter.

### 17.11.020 Uses Requiring a Conditional Use Permit

- A. No person shall establish a use, or permit to be used, any portion of any real property which is classified in the Q overlay zone, or combinations thereof, without a conditional use permit authorizing the following uses, unless otherwise allowed by law:
  1. Any use first permitted in the M-2 zone, subject to all the limitations and restrictions imposed by Chapter 17.06, except as expressly provided in this chapter;
  2. Asphalt plants;

3. Batching plants;
  4. Block, tile, or specialty plants, using or processing crushed rock, sand, gravel, decomposed granite, or similar material;
  5. Dumps, inert solid;
  6. Quarries;
  7. Accessory uses; provided such uses are established on the same lot or parcel of land, are incidental to, and do not substantially alter the character of any use permitted above, including, but not limited to, aggregate dryers, truck storage, equipment and supply storage, scales or weighing equipment and office and repair shop structures;
  8. Any similar use not listed in this section but determined by the planning commission to require a conditional use permit.
- B.** In the event that there is a conflict with the use permit or Irwindale Municipal Code, the more stringent requirement or condition shall apply. Any authorization provided in an existing entitlement approved prior to December 31, 2014 shall apply over any inconsistent provision implemented pursuant to these ordinance updates made on November 12, 2014.

#### **17.11.030 Uses Requiring Reclamation Plan**

No person shall conduct any surface mining or reclamation activities within the city, without securing approval of a reclamation plan from the city and State Office of Mine Reclamation (OMR) pursuant to Section 17.21. Grading involving less than 50 cubic yards of fill material shall be exempt from the requirement to secure a reclamation plan and shall require a grading permit only.

#### **17.11.040 On-site Management Required**

All plans required by any applicable use permit or the Irwindale Municipal Code shall identify the responsible on-site management employee and other persons who have the authority and responsibility to ensure that the intent and purpose of the plans are carried out. The identified employee(s) will be responsible for coordinating with the city manager's office a response to complaints or concerns expressed by persons affected by the operations on the subject site. The operator must provide a written update to the city of the identification of such responsible on-site management employees within forty-eight hours of any change.

#### **17.11.050 Limitations on Quarry Uses**

- A.** Every use enumerated in Section 17.11.010 shall be constructed, operated and maintained at all times in accordance with the regulations set forth in this code, or, if such use was approved before December 31, 2014, any provision of its existing entitlements that may be in conflict with the amendment provided in this ordinance made on November 12, 2014.
- B.** The operator shall fully cooperate with the city and any agency or entity with jurisdiction over either or both the subject site and uses approved thereon regarding the filing of any materials,

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execution of documents, instruments or similar items and all other acts, actions or undertaking deemed necessary by the city. The operator's full cooperation shall be at no cost to the city.

- C. Any and all fees required to be paid to any public agency shall be paid prior to commencing any operations at the site unless a later payment is expressly authorized.

#### **17.11.060 Maintenance of Site Requirements and Prohibited Nuisance Activity**

- A. The operator shall maintain the site at all times free and clear of any accumulation of trash, debris, waste, hazardous substances, combustible and/or flammable materials. This includes but is not limited to the installation of perimeter landscaping, such as berming, fencing or screening, and plant materials which is designed and maintained in such a manner so as to reduce the ability of trash, debris or other materials to exit the site.
- B. The operator shall comply with all graffiti removal and noise standards in this code or use permit, whichever is more restrictive, subject to Section 17.21.020(B).
- C. All equipment and premises utilized in conjunction with any of the uses permitted in this zone shall be consistent with the proper use of such equipment and premises, and shall be employed so as to suppress, as much as reasonably possible, noise, fumes, vibration and dust, which are, or may be, injurious or detrimental to the use and enjoyment of property located in the immediate vicinity of such usage. This includes but is not limited to the following limitations and restrictions:
  - a. If mining or reclamation equipment will be operated at the edge of the site and said equipment is within five hundred feet of residential property lines, the operator shall first construct and maintain a berm to separate surrounding residential areas from the noise and activity associated with mining and reclamation operations.
  - b. Construction equipment shall be equipped with manufacturer recommended mufflers or equivalent.
  - c. Construction equipment shall be turned off when not in operation.
  - d. Use of heavy equipment with low manufactured noise levels when necessary.
  - e. The dredge used at the site shall be electrically powered.
  - f. The operator shall comply with the noise and vibration management plan as incorporated into the management and security plan required pursuant to Section 17.11.070 below.
- D. No waste disposal locations or tailing ponds are permitted to remain as tailing ponds upon the site after completion of mining and reclamation.
- E. All equipment, structures, and other facilities associated with the mining operation will be dismantled and removed from the site upon completion of operations, unless part of the proposed end use. All refuse, abandoned equipment, and similar materials will likewise be removed for disposal in a manner permitted by law.
- F. The operator shall comply with the landscaping or irrigation plans as required by Section 17.17.060 and Section 5.712, Water Efficiency and Conservation of the California Green Building Standards Code or any applicable regulations pertaining to the maintenance of landscaping on the site. In the event there is plant material in an unhealthy, dead or dying condition, said

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material shall be replaced with similar material within the next winter to spring planting season in accordance with the approved landscape plans.

- G. All outdoor lighting shall be installed, maintained and used so as to avoid any interference with, or nuisance to, as defined in this code, adjacent properties.
- H. The operator shall maintain the site in a manner that shall avoid any determination by the city that any condition on the site constitutes a nuisance pursuant to this code.
- I. Notwithstanding any other provision of the zoning code relating to nonconforming uses, all property in the Q overlay zone shall conform to the provisions of this section immediately upon the effective date of the regulation imposed by this section.

#### **17.11.070 Site Management and Security Plan**

- A. Within sixty days of the city's approval of the use permit, the operator shall prepare and submit a site management and security plan to the city manager. Said plan shall include, but not be limited to, the following:
  - 1. Procedures by which the operator shall ensure that on-site noise generation conforms, at all times, to the standards set forth in this code;
  - 2. Mitigation measures to minimize and/or avoid impacts identified by current acoustical studies and analysis of emergency situations where exceeding such noise and vibration standards may be required;
  - 3. A description of the security measures, which ensures that the general public is excluded from the site and identifies a contact person(s) who is available on a twenty-four-hour basis to respond to emergencies and unlawful access to the site.
  - 4. The operator shall include, as components of this plan, other requirements, studies or plans required by this chapter.
- B. The city engineer or designee shall review and comment upon the site management and security plan submitted by the operator within thirty calendar days thereafter; the operator shall have thirty days to prepare a final plan that complies with such comments.
- C. Contamination and Public Safety. The operator shall perform the following measures to reduce the risk of contamination, as well as provide for the protection of public safety:
  - 1. Controlled Access.
    - a. Restrict site to authorized vehicles and equipment;
    - b. Monitor entrances continuously for unauthorized vehicles; and
    - c. Secure all gates with locks, except at entrances during business hours.
  - 2. Security/Protection of Public Safety. Construct and maintain in good condition, appropriate berms, walls and/or fences of a minimum of six feet high around the site in accordance with this chapter. The construction of the security fencing will be in accordance with the fencing detail included in the approved reclamation plan, use permit, or other entitlement; and
    - a. Repair any damage to berms, walls and/or fences within two days of discovery or notice from the city.
  - 3. Daily Patrolling.

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- a. Inspect security berms, walls and fences on a daily basis;
  - b. Inspect site and remove any deleterious/hazardous materials in accordance with applicable law; and
  - c. Maintain daily patrolling log.
- D. Traffic and Circulation.** As a component of the site management and security plan, the operator shall prepare a commercial traffic management plan or incorporate such plan prepared in connection with environmental review of the site. The plan shall include, but not be limited to, identification of truck routes, identification of permitted and prohibited times of day when commercial traffic will enter or exit the site, and the methods by which such standards will be enforced by the operator. Said plan shall comply with Section 17.60.080 and include, but not limited to, the following:
- 1. Adequate sight distance as determined by the city engineer at the project access roadways where they intersect with the public roadways. The minimum sight distance should be provided to meet the city and Caltrans requirements, as may be amended; and
  - 2. Provide adequate onsite stacking and storage capacity as determined by the city engineer for truck traffic.

#### **17.11.080 Access Roads—Required Surfacing**

- A.** All private roads customarily utilized for hauling material or equipment shall be kept dust-free at all times and constantly maintained with surfacing as follows:
- 1. All portions of access roads (leading to and from public streets) set forth below shall be paved with asphalt, concrete, emulsion or other similar non-hazardous substance, or other surfacing that is effective at preventing dust and tracking of dirt and debris, not less than three inches in thickness:
    - a. All locations which are within one hundred fifty feet of any property line of a lot zoned C, R or A, except for such property which is owned by any governmental agency and is utilized for reclamation, flood control or conservation purposes; and
    - b. All portions within a distance of five hundred feet from any public street providing ingress or egress.
  - 2. All other private roads, including pit-haul roads, shall be sprinkled, oiled or hard-surfaced, and maintained so as to minimize dust.
- B.** Notwithstanding any other provision of the zoning code relating to nonconforming uses, all property in the Q overlay zone shall conform to the provisions of this section one year after the effective date of the regulation composed by this section, as amended.

#### **17.11.090 Slopes and Depth**

No open pit quarry, or portion thereof, excavated after the effective date of the regulation imposed by this section, shall be maintained with any slope steeper than as provided under the Irwindale Guidelines.

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No slope shall be excavated or constructed, nor shall the depth of any open pit quarry or portion thereof, be altered in a manner inconsistent with the technical guidelines without prior approval of the city council pursuant to Chapter 17.22.

#### **17.11.100 Drainage and Erosion Control**

- A.** The operator shall comply with the city of Irwindale Guidelines for Drainage and Erosion Control for Open-Pit Mines, as may be amended from time to time (Erosion Guidelines), including, but not limited to, the following:
  - 1. Providing appropriate measures approved by the city engineer to prevent surface water from flowing over the rim of the pits to avoid overtopping-induced erosion.
  - 2. Protecting pit slopes from incident-precipitation induced erosion.
  - 3. Protect pit slopes that are exposed to groundwater lakes and wave-lap erosion.
  - 4. Preparing detailed plans for the implementation of erosion and drainage measures, as stated in the erosion guidelines. Said plans shall be submitted to the city for review and approval by the city engineer within forty-five days from adoption of the applicable use permit.
- B.** Notwithstanding any other provision of the zoning code relating to nonconforming uses, all property in the Q overlay zone, utilized in whole or in part for quarry or fill purposes, shall conform to the provisions of this section within ninety days after the effective date of this chapter.

#### **17.11.110 Water Quality**

- A.** The operator shall develop a stormwater pollution prevention program (SWPPP) in accordance with National Pollution Discharge Elimination System (NPDES) requirements, as may be amended from time to time, and submit it to the city for review and approval by the city engineer. At a minimum, the SWPPP will identify erosion minimization and control, best management practices (BMPs) and pollution elimination/minimization BMPs, as well as stormwater runoff water quality monitoring procedures. This should be done to ensure compliance with San Gabriel Watermaster requirements, and the RWQCB requirements.
- B.** The operator shall collect, on an annual basis, surface and groundwater samples from the site and collected from within the quarry. Said samples shall be tested annually in accordance with the regional water quality control board (RWQCB) and the San Gabriel Basin Watermaster (Watermaster) requirements. Results shall be submitted to the city, the watermaster and the RWQCB.
- C.** The operator shall implement measures to reduce the potential for hazardous substances in fill materials or to later reclaimed areas through compliance with all RWQCB waste discharge requirements, as may be amended from time to time, and prohibit the use of the following:
  - 1. Hazardous, designated or liquid wastes;
  - 2. Toxic wastes (including, but not limited to, insecticides, poisons and radioactive materials);

3. Asbestos or asbestos products;
4. Asphalt products unless placed above the historic high water mark, as determined by the regional water quality control board.

### **17.11.120 Yards and Alternate Fencing Requirements**

#### **A. Landscaping.**

1. The operator shall submit a landscape and irrigation plan prepared by a licensed landscape architect within ninety days of the city's approval of a use permit under Section 17.11.020. The approved irrigation system shall be at all times maintained in working order. Such plan shall be subject to the review and approval of the director of community development. The plan shall show all existing landscaping to remain as well as proposed landscaping. The plans shall provide for the following:
  - a. Berm contours;
  - b. Storm drainage system;
  - c. Species, size and location of plant material;
  - d. Automatic irrigation system;
  - e. Dust control;
  - f. Drought-tolerant and low-water requirement vegetation; and
  - g. Compliance with the Irwindale Municipal Code.
2. The operator shall install the landscaping within one year of the city's approval of the project.

#### **B. Front Yards. Any lot in the Q overlay zone:**

1. Which abuts a local street (as defined in the general plan) or any property which is classified in an A, R, or C zone (except when such property is owned by any governmental agency and is utilized for reclamation, flood control or conservation purposes) shall have and maintain, as a front yard setback, an area of at least fifty feet in depth, as measured from the property line to the top of the slope;
2. Which abuts a major arterial as defined in the general plan shall have and maintain, as a front yard setback, an area of at least one hundred feet in depth, as measured from the property line to the top of the slope;
3. The following accessory uses may, at the discretion of the owner or occupant, be located within the front yard setback, provided such uses are shown on the approved site plan, where applicable:
  - a. Passenger vehicle parking facilities; and/or
  - b. Access roads; and/or
  - c. Fencing; and/or
  - d. Signs, subject to the limitations set forth in Section 17.11.140; and/or
  - e. Landscaping maintained in compliance with any applicable codes or regulations and in compliance with any applicable landscaping and irrigation plan.

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4. One of the following accessory uses may be located in such required front yard setback areas, subject to the provisions of the erosion guidelines and approval of the city engineer:
    - a. An earthen berm, not less than six feet in height, which shall be continuously maintained with the landscaping established in accordance with city standards, and an adequate irrigation system and a six-foot high chain link fencing, as required by Section 17.11.120.
  - C. If compatible with surrounding public and private properties and the approval thereof is in the public interest, a six-foot high decorative block wall per the requirements of Section 17.60.035 may be substituted for the required berm and the six-foot high chain link fencing; provided, that the face of the block wall is located at the property line, separating the lot from the parkway; and, the parkway shall be continuously maintained with landscaping established in accordance with city standards (see Appendix A attached to Ordinance No. 245, codified in this chapter and on file in the office of the city clerk, and incorporated herein by this reference), and with an adequate irrigation system, except for those portions of the parkway wherein curbs or gutters or sidewalks are located.
  - D. Side and Rear Yards. Any lot, which abuts any other property classified in zones A, R or C, or where the side lot line or rear lot line of such lot abuts any street, shall have and maintain side and rear yard setbacks of not less than fifty feet in depth, which shall conform to the provisions set forth in subsection B of this section.

#### **17.11.130 Rock Crushing Plants—Hours of Operation**

- A. Rock crushing plants shall not be established or located on any property within the Q overlay zone, which is within seven hundred fifty feet of any street or of a lot line of any property zoned for C, R or A purposes; provided, that said seven hundred fifty-foot limitation shall not apply to any rock crushing plants in existence on the effective date of this section or to any subsequent improvement to such rock crushing plants; provided such improvements are not constructed nearer to any such property than such rock crushing plants are located as of the effective date of the ordinance codified in this chapter, except as expressly authorized by the applicable use permit.
- B. Such plants shall only be allowed to operate between the hours of six a.m. (6:00 a.m.) to ten p.m. (10:00 p.m.), Monday through Saturday, except in cases of public emergency, or whenever any reasonable or necessary equipment repairs are required to be made, or as allowed by use permit.
- C. Notwithstanding any other section of the zoning code, all uses in this zone shall conform to the provisions of this section immediately.

#### **17.11.140 Signs**

All signs located on any property in the Q overlay zone shall comply with the provisions of this zoning code.

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**17.11.150 Flood Control Regulation**

All quarry uses conducted in the area described in Ordinance No. 4042 of the county shall operate only under permit from the county flood control district, in accordance with SMARA, in addition to the regulations set forth in this code.

**17.11.160 Air Pollution and Dust Control**

- A. In addition to the following, all operations shall be conducted in compliance with the requirements of the South Coast Air Quality Management District (SCAQMD) and the conditions imposed in the use permit.
- B. The operator shall implement the following mitigation measures:
  - 1. Heavy-duty diesel trucks and other mobile equipment shall be properly tuned and maintained to manufacturer's specifications to ensure minimum emissions under normal operations.
  - 2. Vehicles hauling dirt or fill shall be covered at all times when travelling through the city as well as comply with California Highway Patrol (CHP) requirements and all applicable rules and regulations, as may be amended from time to time.
- C. The operator shall submit a dust control plan which shall include the following or similar measures that will be implemented by operator to reduce dust emissions:
  - 1. Apply water or chemical dust suppressants to unstabilized disturbed areas and/or unpaved roadways in sufficient quantity and frequency to maintain a stabilized surface; a minimum of three times per day on days with no precipitation.
  - 2. Water or water-based chemical additives shall be used in such quantities to control dust on areas with extensive traffic including unpaved surfaces.
  - 3. Low speed limits on unpaved roads of ten miles per hour shall be established unless otherwise required by applicable use permit. Speed limit signs shall be posted in a manner to provide full and sufficient notice to drivers of the maximum allowable speed.
  - 4. Maintain adequate water storage piles to ensure a continuous supply for dust control activities. The storage piles should be covered or managed to prevent water loss through evaporation or runoff.
  - 5. Use of spray wash racks to wash trucks prior to leaving the site.
  - 6. Construct wind fencing (berms, shrubbery, constructed walls, etc.) in a manner to minimize dust emissions originating from the site. The locations of all wind fencing shall be documented and mapped.
  - 7. When winds exceed twenty-five miles per hour, operator shall require additional watering or cessation of operations.
  - 8. Operator shall use vacuum sweepers or water trucks to maintain entrance and exit areas in order to prevent debris or other material from being tracked out onto the public right of way or adjacent property.
  - 9. Operator shall revegetate inactive disturbed areas at the site in accordance with this code and the landscape and irrigation plan as required by Section 17.11.070.
  - 10. Improve dust controls on transfer points.

11. Monitor and control dust from storage piles.
  12. Operate a wash rack for trucks in order to wet material before leaving the site.
  13. Operate a wheel washer to remove soil from vehicle tires as needed.
  14. Dust shall be controlled pursuant to the requirements of the South Coast Air Quality Management District (SCAQMD) Rule 403, as may be amended from time to time, unless another standard expressly applies under the use permit, or reclamation plan.
- D. The operator shall apply for and maintain permits from the South Coast Air Quality Management District (SCAQMD).

#### **17.11.170 Hazardous Materials**

- A. Except when in accordance with applicable law, the operator shall maintain the site at all times free and clear of, and shall not discharge or otherwise release, any hazardous substances, hazardous wastes and/or hazardous materials as such terms are defined in their broadest form under any applicable federal, state or local law or regulation, and any other kind of soil, air, or water contamination and combustible and/or flammable materials (collectively "hazardous materials").
- B. At the termination of mining and/or reclamation operations, areas in which hazardous materials may be present shall be identified and mitigated in a manner consistent with applicable laws. The operator shall prepare a mitigation plan, subject to the approval of the city engineer to accomplish such mitigation. This mitigation may involve the removal and disposal or treatment of areas of contaminated sand and gravel. If infiltration or evaporation proves insufficient, the operator shall devise and submit a drainage program that shall be subject to city engineer approval, using standards of approval within their authority and any governmental entity with jurisdiction over the site or operation.

#### **17.11.180 Inspections**

The operator agrees to allow city inspectors and its designees to reasonably inspect the site during normal working hours or at any time operations are occurring on the site to assure compliance with applicable law, use permit, and/or reclamation plan, as may be amended from time to time after providing at least forty-eight hour notice to the operator. Said inspection shall be conducted in compliance with the Mine Safety Health Administration Regulations. In cases of emergencies, the city shall have the right to inspect the site, provided the city gives prior notice to the operator as may be reasonably possible.

#### **17.11.190 Operator Monitoring**

- A. The operator shall monitor mine depth, slopes, drainage and erosion conditions and setback distances on an annual basis. The operator shall notify the city of any condition found to be out of compliance with applicable law, use permit, and/or reclamation plan requirements. Any

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condition found to be out of compliance shall be corrected by the operator within sixty days of discovery of said condition or within sixty days of a city issued notice, or within the time period as otherwise agreed to by the city.

- B. As an ongoing monitoring effort, the operator shall retain a qualified geotechnical engineering consultant to evaluate all the slopes that are identified by the city engineer for geotechnical hazards and/or unstable soil and take all necessary corrective actions. This evaluation shall follow the city of Irwindale's Guidelines for Stability Analysis of Open-Pit Mine Slopes, as may be amended. The geotechnical engineering consultant shall prepare a report that includes recommendations for stabilizing the locations considered to be hazardous. This report shall be submitted to the city for review, comment, and approval before implementation.
- C. At the operator's cost, annually, the city may conduct a bathymetric survey of the pit to determine the existing slope ratios and mined depths at the site. This survey shall be conducted by a qualified and licensed land surveyor selected by the city engineer. Within 90 days of the city providing a copy of the completed bathymetric survey to the operator, the operator shall correct any condition found to be out of compliance with applicable law, use permit, and/or reclamation plan requirements. Said correction shall be implemented in the manner and within the time limits approved by the city engineer.

#### **17.11.200 Rehabilitation of Land**

An existing quarry, dump or other uses involving excavation of land at the time this chapter was first codified were required to file with the city, by July 8, 1971, in form and content satisfactory to the city council, a plan for rehabilitation of such land to restore the same to a status of natural topography (or substantially) upon completion of the operations. All new uses involving excavation commenced after the date of the ordinance codified in this chapter shall file and have such plan approved prior to commencing use.

#### **17.11.210 Creation of Reclamation Fund**

- A. There is authorized a reclamation fund derived from existing revenue collected under the special mining tax in the mining impact fund pursuant to Chapter 3.18 of this code. The reclamation fund will be a separate account established for the purposes authorized in this chapter, administered by the director of finance as a special fund of the city and invested in the manner authorized by the city council. The city shall not make any deposits per year from the mining impact fund. The reclamation fund shall accrue with interest earnings only until such time as the aggregate amount of the reclamation fund, including interest and prior amounts deposited, equals an amount determined to be the reclamation cap (the "reclamation cap"), as defined in this section. Thereafter, the city shall not make future deposits in the reclamation fund. Interest on any monies in the reclamation fund shall accrue to the benefit of the reclamation fund and will be utilized towards reducing required contributions by the city (since interest earnings reduce the required contributions to reach the reclamation fund cap). The city may withdraw and place in its general fund any amounts exceeding the reclamation fund cap.

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- B.** The reclamation fund is envisioned to be utilized to assist in the reclamation of the mined quarries of the city's principal operators, currently owned by United Rock Products Corporation ("United"), Hanson Aggregates West, Inc. ("Hanson"), and CalMat Co. doing business as Vulcan Materials Company — Western Division ("Vulcan"). To participate, such operators must enter into an operating rights transfer agreement as provided in subsection 17.11.230(B) of this chapter. The reclamation fund cap shall be a total of thirteen million four hundred thousand dollars. The reclamation fund cap shall be determined based on which operators participate, and shall be allocated according to subsection 17.11.210(C) of this chapter.
  - C.** The reclamation fund shall be allocated for use in supplementing reclamation of the participating quarries as authorized under this chapter in a manner that is proportional to the financial assurances posted with the city by each participating quarry (i.e., if only one operator participates, the allocation is one hundred percent; if two, for example United and Hanson, then the allocation is approximately 70/30 [ $8/11.5 = .70$ ]). Such allocation shall be computed and monitored by the director of finance.
  - D.** Nothing in this chapter shall prevent the city from utilizing the authority under Public Resources Code Section 2773.1 or SMARA Regulations Sections 3806.1 and 3806.2 to establish financial assurances to establish appropriate financial assurances for operations or mining sites owned or operated by the city or its related agencies. Such financial assurances may be established by the City in its sole discretion and separate from the requirements or procedures under this Section 17.11.210 or Section 17.11.220.

#### **17.11.220 Purpose and Uses of Reclamation Fund**

- A.** The purpose of the reclamation fund is to provide a pledge of revenue to satisfy the requirements of SMARA, at Public Resources Code Section 2773.1. The reclamation fund is intended to provide resources to potential developers of the participating quarries so that they may be converted to beneficial, alternate end uses. To this end, the reclamation fund shall provide a means of supplementing financial assurances required by SMARA and posted by those mining operators in the city that wish to participate in the reclamation of their quarries to standards required by the city.
- B.** In accordance with SMARA Regulations Sections 3806.1 and 3806.2, the reclamation fund may be expended by the city, its designee or where required under SMARA, the department of conservation, to reclaim to beneficial, alternate uses those participating quarries where an assignment of SMARA operating rights in a form approved by the city and the department of conservation ("operating rights transfer agreement") has been approved and entered into.
- C.** The City shall have sole control of the use, investment and management of the reclamation fund, subject only to the limitations in this chapter.
- D.** The city may implement the provisions of this chapter by the formation of a joint powers authority authorized to accept operating rights as to private quarry operations, to contribute to the provision of financial assurances for reclamation, and to act to remedy defaults in the performance of reclamation, all in accordance with SMARA and the Irwindale Municipal Code.

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**17.11.230 Dissolution of and Withdrawals from Reclamation Fund**

- A. The city may dissolve and/or return moneys in the reclamation fund to the city's mining fund upon the occurrence of any of the following:
1. The determination by any court or governmental agency of competent jurisdiction that the special mining tax under Chapter 3.18 of this code is invalid.
  2. The determination by any court or governmental agency of competent jurisdiction that the JPA created hereunder, reclamation fund or its use is contrary to law.
  3. The voluntary or involuntary termination by any quarry operator of its participation in its assignment of SMARA operating rights, as described in this chapter, as to amounts attributable to that operator's quarry(ies).
  4. As each participating quarry is reclaimed, the balance in the reclamation fund shall be reduced in an amount of such participating reclaimed quarry to the total financial assurances for all participating quarries, as determined by the director of finance. Any such amounts withdrawn from the reclamation fund shall be returned to the city's mining fund.
  5. Monies remaining in the reclamation fund after reclamation of all quarries is completed shall be returned to the city's mining fund, so long as such fund exists, and thereafter to the city's general fund.
  6. Should any portion of the reclamation fund be used to correct a default of any quarry, the quarry operator shall pledge all future filling revenues to the city for deposit into the reclamation fund until such time as the deficit to the reclamation fund caused by such expenditure is cured. Unless used to cure any further default of the quarry operator, any amounts so deposited into the reclamation fund, plus any accrued interest, shall be returned to the quarry operator at termination of reclamation in accordance with the reclamation fund.
- C. Upon dissolution of the reclamation fund, the city shall notify the participating quarries and department of conservation within sixty days of such dissolution.

## Article III Citywide Regulations

### Chapter 17.12 Specific Use Regulations

#### Subsections:

- 17.12.010 Purpose
- 17.12.020 Applicability
- 17.12.030 Accessory Dwelling Unit
- 17.12.040 Accessory Uses in Non-Residential Zones
- 17.12.050 Alcoholic Beverage Sales
- 17.12.060 Animal Keeping
- 17.12.070 Automobile/Vehicle Sales and Services
- 17.12.080 Cottage Food Operations
- 17.12.090 Day Care, General
- 17.12.100 Day Care, Limited – Small Family (8 or fewer children)
- 17.12.110 Day Care, Limited – Large Family (9-14 children)
- 17.12.120 Drive-Thru and Drive-Up Facilities
- 17.12.130 Emergency Shelters
- 17.12.140 Home Occupations
- 17.12.150 Manufactured Housing
- 17.12.160 Mini-Storage Facilities
- 17.12.170 Mobile Food Vending
- 17.12.180 Outdoor Display and Sales
- 17.12.190 Outdoor Dining and Seating
- 17.12.200 Personal Services
- 17.12.210 Residential Care Facilities, for Seven or More Persons
- 17.12.220 Solar Energy Systems
- 17.12.230 Temporary Uses
- 17.12.240 Urban Agriculture
- 17.12.250 Urban Lot Splits
- 17.12.260 Wireless Telecommunication Facilities

#### **17.12.010 Purpose**

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in zone districts found in Article II. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and of the public.

#### **17.12.020 Applicability**

Land uses and activities covered by this chapter shall comply with the requirements of this section applicable to the specific use or activity, in addition to all other applicable provisions of this Title.

#### **A. Allowable Uses**

The uses that are subject to the standards in this Chapter shall be located only where allowed by base, specific plan and overlay zone use regulations.

**B. Permitted Uses**

The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by zone regulations, such as a Conditional Use Permit, except where this Chapter establishes a different planning permit requirement for a specific use.

**17.12.030 Accessory Dwelling Units**

**A. Purpose and Intent**

This section establishes regulations and a ministerial review process for Accessory Dwelling Units. Accessory Dwelling Units are intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

**B. Applicability**

This section applies to all Accessory Dwelling Units, including Junior Accessory Dwelling Units, as defined. Accessory dwelling units are permitted by right in any zoning district which permits single-family or multi-family homes.

**C. Relationship to General Plan and Zoning**

Any Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.

Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

**D. Permits and Approval**

- 1. Ministerial Action.** Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a ministerial action and subject to compliance with the standards in this Section and all other applicable codes.
- 2. Building Permit.** All Accessory Dwelling Unit or Junior Accessory Dwelling Units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other Planning-related permit is required.
- 3. Issuance of Permit.** The City shall issue a building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit within 60 calendar days from the date on which the City received a completed application, unless either:
  - a.** The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
  - b.** The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit dwelling.

**E. ADU Terms and Definitions**

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

1. Accessory Dwelling Unit or ADU. An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons is on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation and shall be constructed on the same parcel as the single-family or multifamily dwelling unit that is the primary dwelling unit or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Section 17958.1 of the Health & Safety Code, and (b) a manufactured home, as defined in Section 18007 of the Health & Safety Code. This definition shall be interpreted as consistent with and including the definition of accessory dwelling unit found in Government Code Section 65852.2.
  2. Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same parcel. This definition shall be interpreted as consistent with and including the definition of accessory structure found in Government Code Section 65852.2.
  3. Car Share. A program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.
  4. Efficiency Kitchen. A cooking facility that includes all of the following:
    - a. A sink with a drain
    - b. An appliance for cooking
    - c. A food preparation counter
    - d. Food storage cabinets that are of reasonable size in relation to the size of the unit
  5. Efficiency Unit. As defined in Section 17958.1 of the Health and Safety Code.
  6. Junior Accessory Dwelling Unit or JADU. A Junior Accessory Dwelling Unit means a unit that is no more than 500 square feet in size which is contained entirely within a single-unit primary dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the primary dwelling. This definition shall be interpreted as consistent with and including the definition of junior accessory dwelling unit found in Government Code Section 65852.22.
  7. Living Area. The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. This definition shall be interpreted as consistent with and including the definition of living area found in Government Code Section 65852.2.
  8. Passageway. A pathway that is unobstructed clear to the sky and extends from a street or alley to one entrance of the accessory dwelling unit. This definition shall be interpreted as consistent with and including the definition of passageway found in Government Code Section 65852.
  9. Primary Dwelling. An existing or proposed residential structure on a lot with an accessory dwelling unit.
  10. Public Transit. A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway and other forms of transportation that charge set fares, run on fixed routes and are available to the public.
  11. Single-unit, Two-unit and Multi-unit. Means the same, respectively, as single-family, duplex and multi-family residential units.
  12. Tandem Parking. Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.
- F. Types of Accessory Dwelling Units**
1. Accessory Dwelling Units, Attached and Detached.



that provides more than one bedroom. If there is an existing primary dwelling, the total floor area of an attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling. These limits do not include up to 150 square feet of area added to the primary dwelling to provide ingress and egress to the Accessory Dwelling Unit.

- c. Setbacks.**
    - i. Front yard setback: Per the zoning district standard for the primary dwelling.
    - ii. Side yard: Four (4) feet.
    - iii. Rear yard: Four (4) feet.
    - iv. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
  - d. Height.** Per the zoning district standard for the primary dwelling, not to exceed 16 feet in height.
  - e. Access.** An attached Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.
  - f. Design.** Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
  - g. Passageway.** No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
  - h. Fire Sprinklers.** An attached Accessory Dwelling Unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.
  - i. Landscape.** All setback areas shall be landscaped as required by the Zoning Code.
  - j. Before permit issuance, the City shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the City's form, memorializing the following:**
    - (i) starting January 1, 2026, either the primary residence or the accessory dwelling unit must be owner-occupied at all times as required by State law;
    - (ii) the accessory dwelling unit shall not be sold or owned separately from the primary dwelling, and the property shall not be subdivided in any manner which would authorize such separate sale or ownership;
    - (iii) neither the primary dwelling nor the attached Accessory Dwelling Unit on the property may be rented for a period of less than 30 days; and
    - (iv) the attached Accessory Dwelling Unit may not exceed the size and attributes described in the deed restriction.
  - k. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude an attached 800 square foot accessory dwelling unit that is at least sixteen (16) feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.**
- 2. Detached Accessory Dwelling Unit Development Standards.**
- a. Location.** Detached Accessory Dwelling Units shall be located on the same lot or parcel as an existing or proposed primary dwelling on a lot that is zoned to allow single-family or multifamily dwelling residential uses and includes a proposed or existing dwelling.
  - b. Size.** A detached Accessory Dwelling Unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an Accessory Dwelling Unit that provides more than one bedroom.

- c. Setbacks.**
    - i. Front yard setback: Per the zoning district standard for the primary dwelling.
    - ii. Side yard: Four (4) feet.
    - iii. Rear yard: Four (4) feet.
  - d. Height.** The maximum height of an Accessory Dwelling Unit shall be 16 feet for new structures built specifically as an Accessory Dwelling Unit. Existing structures taller than 16 feet can be converted to an Accessory Dwelling Unit consistent with the requirements of this Chapter.
  - e. Design.** Detached accessory dwelling units shall be compatible with the architectural style, materials and colors of the primary dwelling unit.
  - f. Passageway.** No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.
  - g. Fire Sprinklers.** An attached Accessory Dwelling Unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.
  - h. Landscape.** All setback areas shall be landscaped as required by this code.
  - i. Before permit issuance,** the City shall be provided with a copy of the recorded deed restriction, which shall run with the land, using the City's form, memorializing the following: (a) starting January 1, 2026, either the primary residence or the accessory dwelling unit must be owner-occupied at all times as required by State law; (b) the accessory dwelling unit shall not be sold or owned separately from the primary dwelling, and the property shall not be subdivided in any manner which would authorize such separate sale or ownership; (c) neither the primary dwelling nor the attached Accessory Dwelling Unit on the property may be rented for a period of less than 30 days; and (d) the detached Accessory Dwelling Unit may not exceed the size and attributes described in the deed restriction.
  - j. Building Separation.** An accessory dwelling unit shall comply with the building separation requirements of the underlying zone including the 10-foot building separation requirement in the R-1 zone, but in no case shall said requirement prohibit an Accessory Dwelling Unit that is a minimum of 800 square feet, maximum of 16 feet in height with four-foot side and rear yard setbacks.
  - k. No provisions within this Section,** including lot coverage or legal nonconformity, shall preclude a detached 800 square foot accessory dwelling unit that is at least sixteen (16) feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.
- 3. Junior Accessory Dwelling Unit Development Standards.**
- a. Location.** Shall be located on the same lot or parcel as a primary dwelling unit in a single-family residential zone and be attached to the primary dwelling unit by at least one wall or by a ceiling. The Junior Accessory Dwelling Unit may be located above or below the primary dwelling unit.
  - b. Size.** Maximum of 500 square feet of living area.
  - c. Setbacks.** If the primary dwelling unit is expanded to create the Junior Accessory Dwelling Unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. Front setback shall be the same as the

existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by Fire or Building codes on a case-by-case basis.

- d. Access.** A Junior Accessory Dwelling Unit shall have a separate entrance from the main entrance to the primary dwelling.
- e. Kitchen.** Each Junior Accessory Dwelling Unit shall include an efficiency kitchen, which must include:
  - i. Cooking facility with appliances and
  - ii. Food preparation counter and storage cabinets that are of reasonable size in relation to the side of the JADU.
- f. Utilities.**
  - i. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, power service or impact fees.
  - ii. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required, although the property owner may voluntarily install a submeter for the Junior Accessory Dwelling Unit.
  - iii. Any utility charges or fees shall be consistent with state law.
- g. Parking.** No additional off-street parking is required for the Junior Accessory Dwelling Unit.
- h. Owner Occupancy Requirements and Deed Restrictions**
  - i. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence.
  - ii. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust or non-profit housing organization.
  - iii. Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall memorialize that the Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling, and restrict the size and attributes of the Junior Accessory Dwelling unit that conform with State Law.
  - iv. The deed restriction shall run with the land and shall be enforced against future property owners.

## **J. Impact Fees**

### **1. Impact Fee Requirements**

- a.** No City-imposed impact fees shall be charged for an Accessory Dwelling Unit that is less than 750 square feet in size.
- b.** For Accessory Dwelling Units 750 square feet or larger, City-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.
- c.** Impact fees do not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

## **K. ADU Required Parking**

### **1. Number of Parking Spaces**

- a. One off-street parking space, covered or uncovered, is required for each Attached and Detached Accessory Dwelling Unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
  - b. Notwithstanding any other section, no off-street parking is required for an Attached or Detached Accessory Dwelling Unit if one or more of the following applies:
    - i. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
    - ii. When on-street parking permits are required by the City, but not offered to the occupant of the Accessory Dwelling Unit.
    - iii. The Accessory Dwelling Unit is part of the proposed or existing primary residence.
    - iv. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
  - c. Off-street parking shall be permitted in setback areas in locations determined by the City or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
2. When a garage, carport or covered parking structure is demolished to allow for the construction of an Accessory Dwelling Unit or for the conversion of a structure to an Accessory Dwelling Unit, parking shall not be required to be replaced.
  3. Guest parking spaces shall not be required for Accessory Dwelling Units under any circumstances.

#### **17.12.040 Accessory Uses in Non-Residential Zones**

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zone. These regulations are found in the land use regulation tables in Article II, Zone Regulations, and may be subject to specific standards found in this Chapter or within each zone, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter 17.13, Site Planning and General Development Regulations.

#### **17.12.050 Alcoholic Beverage Sales**

##### **A. Purpose and Applicability**

This Subsection establishes standards regarding the location and operation of businesses involved in the sale of alcoholic beverages (meaning, those beverages subject to a State-issued Alcoholic Beverage Control [ABC] license and required City of Irwindale planning entitlements). The provisions in this Subsection shall apply to the sale of alcoholic beverages were allowed in compliance with Article II, Zones Districts.

##### **B. Nonconforming ABC License**

All premises where an ABC license for the sale of alcoholic beverages exists and which do not comply with the provisions of this Subsection, but which were legally in existence on the effective date of this Subsection, shall have the status of a legally nonconforming license and shall be allowed to remain in existence subject to the provisions of this Subsection. However, such premises and any associated structures shall not be permitted to be modified or expanded, as set forth in Section 17.18, Nonconforming Uses, Sites and Buildings. Any legally nonconforming ABC license in violation

of its planning entitlements shall be subject to revocation procedures of Section 17.25.120, Revocation of Permits.

- C. Operational Standards. This Subsection establishes operational standards for establishments involved in the sale of alcoholic beverages. In all circumstances, a valid ABC license shall be required.
  - 1. Grocery Stores, Drug Stores and Other Retail Establishments.
    - a. Any business selling alcoholic beverages for off-premises consumption or for every business selling goods and products to the public on a walk-in basis, which is open for more than 16 hours per day or which is open to the public anytime between midnight (12:00 a.m.) and 6:00 a.m. and is located less than 200 feet from residentially zoned property shall be subject to the requirements of a Conditional Use Permit (Section 17.28)
    - b. The sale of alcoholic beverages at drive-up windows shall be prohibited.
  - 2. Retail Stores Engaged in the Sale of Vehicle Fuels and/or Car Wash Facility.
    - a. Retail stores engaged in the sale of vehicle fuels and car wash facilities which contain 750 square feet or more enclosed retail floor area may offer the off-site sale of beer and wine. Such stores shall not devote more than 10 percent of the net floor area to the display, sale, and storage of alcoholic beverages.

#### **17.12.060 Animal Keeping**

- A. Small Animals and Fowl. Small animals and fowl shall include, but not limited to dogs, cats, hen chickens, and rabbits. On all properties zoned exclusively for a residential use, the raising or keeping for domestic noncommercial use of the following animals is permitted, provided that the keeping of all small animals shall meet the following:
  - 1. Parcels of One-Half Acre or Less in Size. Up to four adult small domestic animals per unit may be kept on parcels of up to one-half acre in size, in addition to more than four hen chickens.
  - 2. Parcels on Greater than One Half Acre in Size. Up to eight adult small domestic animals per acre.
- B. Nonconforming Small Domestic Animal Keeping. Residents having more than four adult small domestic animals at the time of the effective date of this Title may continue to keep them provided that the animals are licensed in compliance with Irwindale Municipal Code (Title 6); are kept in a safe and sanitary environment; and do not generate nuisance complaints that require abatement.
  - 1. Fencing and Enclosure Regulations.
    - a. Fencing.
      - 1. Fenced Area Required. All animals, except small domestic animals that are kept indoors, shall be kept in an area which is fenced to prevent the animals from roaming.
      - 2. Fenced Area Location. The fenced area shall be wholly located within the rear yard of the residence where the animals are kept.
    - b. Enclosure.
      - 1. Enclosure Required. Within the fenced area, an enclosure or shed shall be provided of sufficient size to provide cover for the animals kept on the parcel. An enclosure is not required for cats or dogs.
      - 2. Enclosure Location. No part of the animal enclosure shall be located within 25 feet of any neighboring dwelling, within a required side or front setback, or within 300 feet of a community assembly facility, school or institution licensed by the state for

the care or treatment of humans.

### **17.12.070 Automobile/Vehicle Sales and Services**

Automobile/vehicle sales and service establishments shall be located, developed and operated in compliance with the following standards:

- A. Application Review.** All automobile/vehicle sales and services establishments that require Conditional Use Permit approval are subject to the following requirements:
  - 1. Findings for Approval.** The review authority shall only approve a Conditional Use Permit upon making the following findings:
    - a.** The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
    - b.** The site design, including the location and number of driveways and the stacking for service department drop-off, will promote safe and efficient on-site and off-site traffic circulation.
    - c.** Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
    - d.** Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
    - e.** The washing facility, if proposed, will not have an adverse impact on water supply and quality.
  - 2. Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas or other site elements, to avoid adverse impacts on adjacent lots or the surrounding area.
- B. Automobile/Vehicle Sales and Leasing.** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold/leased on site. Please refer to Chapter 17.19, Signs, for development standards pertaining to relevant signage.
- C. Automobile/Vehicle Service and Repair, Major and Minor.** In addition to other applicable standards of this Section, major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards:
  - 1. Noise.** All body and fender work or similar noise-generating activity shall be conducted within an enclosed building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building. Please refer to Chapter 9.28, Noise Regulation, for further guidance on noise regulations.
  - 2. Odors.** All work shall be operated in compliance with 17.20.120 (Odors).
  - 3. Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

4. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section 17.13.140, Screening of Mechanical and Electrical Equipment. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City. Only vehicles being sold, leased, or serviced may be stored on-site.
  5. **Litter.** The premises shall always be kept in an orderly condition. No used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be stored outside a building.
- D. Automobile/Vehicle Washing Facilities.** In addition to other applicable standards of this Section, automobile/vehicle washing facilities are subject to the following standards:
1. **Washing Facilities.** No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential Zone. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.
  2. **Hours of Operation.** Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential Zone, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.
  3. **Noise.** Automobile/vehicle washing operations shall be in compliance with 17.20.130, Noise.
- E. Mobile Vehicle Washing.** In addition to other applicable standards of this Section, mobile vehicle washing is subject to the following standards:
1. **Washing Operations.** A mobile vehicle washing business shall not set up shop at any location and accept customers at that location. The mobile vehicle washing business must truly be mobile. During the washing of vehicles, all water must be collected in the required portable catch basin. It must then be collected from the portable catch basin and stored in a dirty water storage container without spillage.
  2. **Hours of Operation.** Mobile vehicle washing operations are limited to 8:00 a.m. to 8:00 p.m., seven days a week.
  3. **Noise.** Automobile/vehicle washing operations shall be in compliance with 17.20.130, Noise.

#### **17.12.080 Cottage Food Operations**

- A. Purpose and Applicability.** The provisions in this Subsection shall apply to cottage food operations, as defined by current State law, in compliance with Article II, Zoning Districts, and the following standards. These standards shall apply in addition to requirements imposed by the Los Angeles County Department of Public Health and other regulatory agencies.
- B. Standards.** All cottage food operations shall comply with the standards for home occupations in Section 17.12.140, Home Occupations, as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq) and the Los Angeles County Department of Public Health.

### **17.12.090 Day Care, General**

- A. Purpose and Applicability.** This Subsection establishes standards for the location, development and operations for new general day care facilities, as defined in Article V, Terms and Definitions, as “Day Care, General” where allowed in compliance with Article II, Zoning Districts. This Subsection provides standards for the location, development, and operation of general day care facilities in compliance with State law. These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).
- B. Standards.** All general day care facilities shall comply with all of the following:
1. **Licensing.** The operator of a general day care facility shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Article 6 (Adult Day Care Facilities).
  2. **General Day Care Facilities Review Standards.** An application for a general day care facility shall be reviewed by the responsible Review Authority for compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Subsection. The application may be approved only if the general day care facility complies with applicable sections of the Health and Safety Code, this Subsection, all applicable City ordinances, and any regulations adopted by the State Fire Marshal.
  3. **Location.** General day care uses are not permitted in residential zones.
  4. **Fences or Walls Required.** Fences or walls shall provide for safety with controlled points of entry.
  5. **Drop-off/Pick-up Areas.** Any general day care 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.

### **17.12.100 Day Care, Limited – Small Family (8 or fewer children)**

All small family child day care homes, defined as Day Care, Limited - Small Family in Article V, Definitions, shall comply with the applicable provisions of the California Health and Safety Chapter 3.6, Sections 1597.44, and 1597.45. Such facilities are exempt from City review and approval.

### **17.12.110 Day Care, Limited – Large Family (9-14 Children)**

All large family child day care homes, defined as Day Care, Limited – Large Family in Article V, Definitions, shall comply with the applicable provisions of the California Health and Safety Chapter 3.6, Sections 1597.44, and 1597.45. Such facilities are exempt from City review and approval.

### **17.12.120 Drive-Thru and Drive-Up Facilities**

- A. Purpose and Applicability.** This Subsection provides standards for drive-through and drive-up facilities, as defined in Article V (Terms and Definitions), and where allowed in compliance with Article II, Zoning Districts. Every such drive-through and drive-up business shall be subject to all of the regulations applicable to a permitted use in the zone in which such drive-through or drive-up business is located. However, whenever the regulations of this Subsection are more restrictive or impose higher standards or requirements, the requirements of this Subsection shall control.
- B. Standards.** Drive-through and drive-up facilities shall comply with all of the following:
1. **Required Findings.** The Planning Commission shall make the following findings in addition to

other required findings of the Conditional Use Permit for a drive-through or drive-up business, in addition to standard findings required for issuance of a Conditional Use Permit:

- a. The proposed use complies with all requirements set forth for the issuance of the required planning entitlement;
  - b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone;
  - c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic;
  - d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of worship, auditorium, theater or other place of assembly; and
  - e. Adequate conditions have been applied through the required planning entitlement to prevent adverse impacts on surrounding properties with respect to noise, trespass, and litter control.
2. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted along with any required application submittal items. Such a plan shall indicate how pedestrian and vehicular traffic will be separated to provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in a manner that will not impede traffic flow on any public right-of-way.
  3. **Setbacks.** Additional setback requirements may be applied by the Planning Commission where deemed necessary for the safety, welfare, and protection of adjacent properties.
  4. **Location of Drive Aisles.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. The driveway width shall be determined by the City Engineer.
  5. **Pedestrian Walkways.** Pedestrian walkways (including ADA access areas) shall not intersect the drive-through access aisles unless they have clear visibility and are emphasized by enhanced paving or markings.
  6. **No Reduction in Off-street Parking.** The provision of drive-through and drive-up service facilities shall not result in a reduction in the number of required off-street parking spaces, unless otherwise approved through a Minor Variance (Chapter 17.31).
  7. **Waiting and Queuing Vehicles.**
    - a. Drive-through access aisles shall be located entirely within the property and shall provide stacking for at least seven (7) vehicles. A Minor Variance may be approved by the Community Development Director under unique site or design challenges.
    - b. Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls and pedestrian access.
  8. **Menu and Preview Boards.**
    - a. Approval of a menu and preview board shall be subject to the approval of a Sign Permit pursuant to Subsection 17.19.090 (Procedures for Sign Permits, Exemptions, and Revocation) before installation of any signs on the subject site.
    - b. As practical, visibility of outdoor menu and preview boards shall be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.

9. Noise. Amplification equipment (speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Article IV, Chapter 6, Noise Regulations.
10. Wall Required When Adjoining Residential Uses. A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use, and a minimum six-foot-high solid masonry wall shall be constructed on interior property lines for all zones. The design of the wall and the proposed construction materials shall be subject to review and approval through Chapter 17.27 (Site Plan and Design Review) process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.
11. Lighting. All exterior lighting shall be arranged and shielded to prevent any glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property; and in accordance with Section 17.13.090, Exterior Lighting.
12. Deliveries. For lots located within 150 feet of a residential zone, deliveries shall be limited to between the hours of 7:00 AM and 10:00 PM.

#### **17.12.130 Emergency Shelters**

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

##### **A. Development Standards.**

1. All Facilities. The following standards apply to all emergency shelters.
  - a. Emergency shelters shall be located a minimum of 300 feet apart from one another. Programs may have multiple buildings on the same parcel.
  - b. A staffed reception area shall be located near the entry to the facility.
  - c. Facilities shall provide secure areas for personal property.

##### **B. Overnight Service Facilities.**

1. In addition to the standards in Subsection A above, that apply to all emergency shelter facilities, facilities that provide overnight service are also subject to the following standards.
  - a. Parking. Parking shall be provided in the ratio of one space for every five adult beds, plus an additional space designated exclusively for the manager. All parking shall be off-street and on-site.
  - b. Hours of Operation.
    1. The facility shall operate with clients only permitted on-site and admitted to the facility beginning at 4:00 p.m. for dinner service, check-in, and case management, and continuing to 7:00 a.m.
    2. A curfew no later than 10:00 p.m. shall be established and strictly enforced. Clients shall not be admitted after the curfew, with exceptions allowed for client work schedules, special event attendance and after hour admittance of clients by community organizations or public officials.
  - c. Screening. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six-foot tall decorative wall or fence. Pets and shopping carts are not permitted on-site.

- d. Lighting. Exterior lighting shall be provided for the entire outdoor and parking area of the property. Lighting shall reflect away from residential areas and public streets at an intensity compatible with the adjacent neighborhood.
- e. Waiting Area.
  - 1. For facilities with on-site client intake, an enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.
  - 2. A minimum of 200 square feet shall be provided for the waiting area, unless the Community Development Director determines that additional waiting space is required to meet the needs of the anticipated client load.
- C. Maximum Beds. The emergency shelter shall contain a maximum of thirty beds and shall serve no more than thirty homeless persons at a time.
- D. Maximum Length of Stay. Temporary shelter shall be available to residents for no more than six months. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
- E. Management Plan. The emergency shelter provider/operator shall have a written management plan including, as applicable, provisions for staff training, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling and treatment programs for residents.
- F. Licenses. The emergency shelter facility shall demonstrate that it is in and maintains in good standing county and/or state licenses if required by these agencies for the owner(s), operator(s), and/or staff of the shelter.
- G. Compliance with Other Applicable Standards. Emergency shelter facilities shall comply with all other laws, rules, and regulations that apply including building and fire codes. The facility shall be subject to City inspections prior to the commencement of operation.

#### **17.12.140 Home Occupations**

Home occupations shall be located, developed and operated in compliance with the following standards:

- A. Applicability. This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.
- B. General Standards. All home occupations shall be located and operated consistent with the following standards unless otherwise allowed by State law:
  - 1. Residential Appearance. The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
  - 2. Location. All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is attached to, and reserved for, the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.
  - 3. Floor Area Limitation. No more than 25 percent of the floor area of the dwelling unit may be used in the conduct of the home occupation.

4. **Employees.** No employees or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.
  5. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring) which may have up to two students at one time.
  6. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.
  7. **Storage.** There can be no exterior storage of materials, supplies and/or equipment for the home occupation.
  8. **Hazardous Materials and Biological Wastes.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials and biological waste other than the types and quantities customarily found in connection with a dwelling unit.
  9. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted or outside the dwelling unit if conducted in other than a detached single-unit dwelling.
  10. **Traffic and Parking Generation.** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces or involve deliveries to or from the premises in excess of that which is customary for a typical dwelling unit.
  11. **Commercial Vehicles.** The use of commercial vehicles for the delivery of materials or equipment to or from the premises is expressly prohibited.
  12. **Performance Standards.** Equipment or processes shall not emit radiation or create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, equipment or processes shall not create visual or audible interference.
- C. Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations:
1. Automobile/vehicle sales, services and/or repair;
  2. Animal care, sales, and services;
  3. Cannabis retail;
  4. Eating and drinking establishments;
  5. Hospitals and clinics;
  6. Firearm sales, including firearms brokers;
  7. Personal services; and

**8. Retail sales.**

**17.12.150 Manufactured Housing**

**A. Conditions.** A manufactured home may be installed on a foundation on any lot in the City of Irwindale, that is zoned to permit the construction of a conventional single-family dwelling, if it meets the following conditions:

1. The manufactured home shall be certified under the national Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and shall bear a California insignia or Federal label as required by section 18550 (b) of the Health and Safety Code.
2. The foundation system shall meet the requirements of section 18551 of the Health and Safety Code.
3. The manufactured home shall contain a minimum of 1,100 square feet of living area with a minimum width of 20 feet. On all lots less than 60 feet in width the manufactured home shall contain a minimum of 950 square feet of living area with a minimum width of 20 feet. Porches, garages, patios and similar features, whether attached or detached, shall not be included when calculating the floor living area.
4. The manufactured home shall have a roof overhang of not less than 16 inches with a minimum 12-inch gable overhang, unless it is determined that it is not compatible to the neighborhood in which the manufactured home is being located.
5. The manufactured home shall have non-reflecting roofing material and siding material that is compatible with the neighborhood in which the manufactured home is to be located.
6. A garage compatible to the neighborhood in which the manufactured home is being installed shall be constructed.
7. The manufactured home shall be used only as a single-family residential use and shall comply with all the setback and height requirements of the zone in which it is located.

**B. Applications.** Applications to install a manufactured home on a permanent foundation shall be made to the Community Development Director, on the form provided by the Community Development Department, accompanied by the filing fee set forth in the fee schedule and shall include such information and documentation as may be required by the Community Development Director, including the following:

1. Name and address of the applicant and all owners of the subject property, including evidence that all owners agree to the application.
2. Location or address, legal description and zoning of the property on which the manufactured home is to be located.
3. A site plan of the entire property showing location of the manufactured home and all accessory buildings, including all dimensions and setbacks.
4. Certification that the manufactured home complies with the National Mobilehome Construction and Safety Standards of 1974.
5. Photographs that show the manufactured home in sufficient detail with regard to siding material, roof overhang and roof materials.
6. Photographs that depict the type of structures, siding and roofing materials and roof overhang of structures in the neighborhood in which the manufactured home is to be located.

**C. Processing of Applications.** Within 14 days following the acceptance of an application as being complete, the Community Development Director shall determine whether the request meets all the of the requirements of this ordinance and shall determine the roof overhang, roofing and siding materials and any automobile enclosure necessary to achieve compatibility with the neighborhood. Upon approval of the application, the Community Development Director shall forward the original thereof to the Building Official, file one copy and return one copy to the applicant, who shall then obtain all necessary installation and construction permits from the Building Division.

### **17.12.160 Mini-Storage Facilities**

#### **A. Intent**

The following provisions provide minimum development standards for mini-storage facilities. These standards are designed to provide for the appropriate development of mini-storage facilities and to protect the health, safety and welfare of City residents using such facilities or who live or conduct business adjacent to such facilities.

#### **B. Permitted Zoning**

Mini-storage facilities shall be allowed per Article II of this Code.

#### **C. Permitted Uses**

Mini-storage facilities shall be designed and operated for the storage of goods in individual compartments or rooms, which are available for use by the public on a rental or lease basis. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, compounding, office functions, other business or service uses or human habitation.

#### **D. Development Standards**

- 1. Storage spaces.** Individual storage spaces shall have a maximum gross floor area of 500 square feet.
- 2. Walls.** A (6) six-foot-high decorative masonry wall combined with an earthen berm or landscaping to provide an (8) eight-foot-high screen shall be provided around the entire mini-warehouse land use, unless otherwise approved. The rear and sides of mini-warehouse buildings may be used in place of portions of the required wall where no individual storage units are accessible from the building sides. The exterior side of all perimeter masonry walls and building sides (if used in place of portions of the walls), shall be coated with a protective coating that will facilitate the removal of graffiti.
- 3. Lighting.**
  - a.** All lighting shall be indirect, hooded and positioned so as not to reflect onto adjoining property or public streets;
  - b.** Lighting fixtures may be installed in each individual storage space, provided that the fixtures shall not include or be adaptable to provide electrical service outlets;
  - c.** Light fixtures shall be controlled by time switches located in the respective individual storage unit with a maximum of thirty (30) minute time limit per activation.
  - d. Fire Safety.** Fire suppression systems, extinguishers, etc., shall be provided per the Fire Code.
- 4. Alarms and Security.**
  - a.** Each mini-storage facility shall include an alarm system and security cameras and recording equipment as approved by the Irwindale Police Department.



Works Director. Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.

- B. Number.** Maximum one mobile vendor per day per lot.
- C. Duration.** Maximum four hours per day per lot. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.
- D. Allowed Products.** Operations are limited to the sales of food and beverages for immediate consumption.
- E. Vehicle and Parking Requirements.**
  - 1. Allowed Vehicles.** Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a pushcart, standalone trailer or kiosk are not allowed under this Title.
  - 2. Required Parking.** No dedicated parking spaces shall be required for a mobile vendor that meets the standards of this Section.
  - 3. Displaced Parking.** Mobile vendors may displace up to three required nonresidential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.
  - 4. Paving.** Mobile vendor vehicles shall only be stopped or parked on a surface paved with concrete, asphalt or another surface approved by the Public Works Director.
- F. Obstructions.** Mobile vendor location and operations, including customers, seating and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.
- G. Nuisance.** Mobile vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed, based on Chapter 17.19 Signs.
- H. Permits Required.**
  - 1. Business License Required.** The mobile food vendor must have a valid business license issued by the City pursuant to Municipal Code Title 5. As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
  - 2. Health Permit Required.** The mobile food vendor must have a valid permit issued by the Los Angeles County Department of Public Health. All required Los Angeles County Department of Public Health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
- I. Modifications.** Modifications to the standards of this Section may be approved pursuant to Chapter 17.30, Administrative Modifications.

### **17.12.180 Outdoor Display and Sales**

Outdoor display and sales shall be located, developed and operated in compliance with the following standards:

- A. Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section 17.12.230, Temporary Use Permit, and Chapter 17.29, Temporary Use Permits.
- B. Produce Displays.** The outdoor display of fresh produce associated with an existing food and beverage retail sales establishment on the same site is allowed, subject to the following standards:
  - 1. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways or required landscaped areas.
  - 2. All produce shall be removed or enclosed at the close of each business day.
- C. Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for vehicle sales and leasing requires Minor Use Permit approval and shall comply with the following standards:
  - 1. Relationship to Main Use. The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
  - 2. Allowable Merchandise. Only merchandise sold at the business is permitted to be displayed outdoors.
  - 3. Location. The displayed merchandise shall occupy a fixed, specifically approved and defined location and shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways or required landscaped areas.
- D. Outdoor Vending Machines Prohibited.** Outdoor vending machines other than those for the sale of newspapers are prohibited.

### **17.12.190 Outdoor Dining and Seating**

Outdoor dining and seating shall be located, developed and operated in compliance with the following standards:

- A. Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by Public Works/Engineering Department.
- B. Permit Requirement.** For a new outdoor dining and seating area to be added to an existing dining and drinking establishment, a modification of the original Conditional Use Permit approval shall be required based on Chapter 17.28 Use Permits.
- C. Accessory Use.** Outdoor dining and seating shall be conducted only as an accessory use to a legally established eating and drinking establishment that is located on the same lot.
- D. Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating and drinking establishment and meet the requirements in Chapter 9.28, Noise Regulations.
- E. Noise.** All outdoor dining and entertainment shall meet the Noise Ordinance as referenced in Chapter 9.28. Additional information about outdoor entertainment must also be included in the Conditional Use Permit Application.
- F. Pedestrian Pathway.** A minimum four-foot unobstructed pedestrian pathway shall be required for an outdoor seating area. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.

- G. Maintenance.** Outdoor dining and seating areas shall always remain in good condition and be kept clear of litter. In addition, outdoor dining shall meet the requirements and regulations of the LA County Department of Public Health.

#### **17.12.200 Personal Services**

Personal service establishments shall be located, developed and operated in compliance with the following standards:

- A. Hours of Operation.** Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. unless otherwise specified in an Occupancy Permit.
- B. Massage Establishments.** Noncompliant establishments, which offer massage in exchange for compensation, including sole proprietorships, shall be prohibited. Massage Establishments shall comply with the following standards:
  - 1.** No exterior window shall be tinted, covered, or obstructed such that visibility into the business is reduced or eliminated.

#### **17.12.210 Residential Care Facilities, for Seven or More Persons**

- A. Purpose and Applicability.** This Subsection establishes standards for the location, development, and operations for new Residential Care Facilities that serve seven or more persons, as defined in Section 17.43 Terms and Definitions and where allowed in compliance with Article II (Zones, Allowable Uses, and Development Standards). These requirements are in addition to any applicable State and/or Federal requirements.
- B. Management and Operation.** The property shall be operated in compliance with applicable State, Federal, and local laws.
- C. Standards.** Residential Care Facilities for seven or more persons shall comply with all of the following:
  - 1. Setbacks.** The setbacks of the underlying zone shall apply. However, the Review Authority may establish greater setbacks where deemed necessary for the safety, welfare, and protection of any adjacent property.
  - 2. Parcel Area.** The minimum parcel area for a new Residential Care Facility shall not be less than 20,000 square feet.
  - 3. Signs.** Only one sign shall be permitted identifying the facility. All signs shall conform to the requirements of Chapter 17.19, Signs.
  - 4. Lighting.** All outside lighting shall be arranged and shielded to prevent any glare or reflection, nuisance, inconvenience or hazardous interference of any kind onto adjoining streets or property.
  - 5. Deliveries.** For any facility located adjacent to a residential zone, all deliveries shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
  - 6. Refuse Collection Areas.** All outside refuse and recyclable materials collection areas shall be enclosed as required by Section 17.13.130, Refuse/Trash Collection Areas.
- D. State Approval.** Where a facility is required to be licensed by the State, written proof shall be submitted to the City of Irwindale that the appropriate State licensing agency will be able to issue

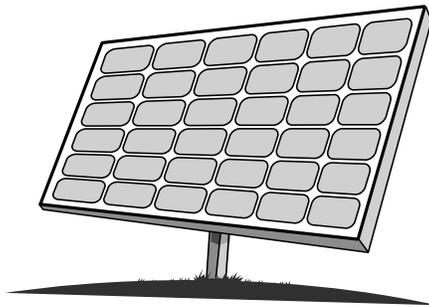
all required licenses and specify the maximum number of beds for which a license will be issued by such agency.

### **17.12.220 Solar Energy Systems**

Solar energy systems shall be located, developed and operated in compliance with the following standards:

- A.** Height, Ground-Mounted Solar Energy Systems. The maximum height of a ground mounted solar energy collector system is 25 feet or the maximum height allowed in the base zone, whichever is less.
- B.** Required Setback. Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems shall meet the required setback of the base zone.

**Figure 17.12.220-1: Ground Mounted Solar Panel System**



### **17.12.230 Temporary Use Permit**

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A.** Temporary Uses Not Requiring a Temporary Use Permit. The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as building permits, may be required.
  - 1.** Yard Sales. Yard or garage sales, provided that no more than (4) four sales are conducted at the same address in any calendar year and are in compliance with other provisions of the Irwindale Municipal Code.
  - 2.** Non-Profit Fundraising. Fund raising activities by tax exempt organizations pursuant to 501(C)3 of the Federal Revenue and Taxation Code are allowed with no limitation on the number of occasions and duration. This may include fundraising events at schools or places of worship.
  - 3.** Temporary Construction Office Trailers. On-site temporary construction offices during the period of construction. Screening may be required by the Community Development Director.
  - 4.** Special Events. Short-term special events that do not exceed seven consecutive days may be permitted with a Special Event Permit in accordance with Chapter 17.30 and the following standards:
    - a.** Location. Events are limited to non-residential zones.



### **17.12.240 Urban Agriculture**

Urban agriculture uses shall be located, developed and operated in compliance with the following standards:

#### **A. Community Gardens.**

- 1. Management.** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s) and the City.
- 2. Hours of Operation.** Gardens shall only be tended between dawn and dusk unless additional hours are allowed subject to Conditions of Approval to a Minor Use Permit.
- 4. Buildings and Structures.** Sheds and greenhouses are allowed and shall comply with the property development standards of the zone in which it is located and the City's building regulations.
- 5. Equipment.** Use of mechanized farm equipment is prohibited except as provided below or allowed subject to Conditions of Approval for a Minor Use Permit.
  - a.** Heavy equipment may be used initially to prepare the land for gardening.
  - b.** Landscaping equipment designed for household use is permitted.
- 6. Maintenance.**
  - a.** The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
  - b.** Soil amendments, composting and waste material shall be properly managed and shall not attract nuisance flies or support growth of flies.
- 7. Composting.**
  - a.** Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.
  - b.** Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings.
  - c.** In Residential Zones, composting is limited to the materials generated onsite and shall be used on-site.
- 8. Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- 9. Parking.** Two parking spaces shall be provided on-site or on-street adjacent to the lot frontage.

### **17.12.250 Urban Lot Splits**

#### **A. Purpose**

This Section is adopted in accordance with California Government Code Section 65852.21 and 66411.7 et seq., also known as Senate Bill 9 (SB 9). The purpose of this Chapter is to establish development standards for lots in the R-1 zoning district which seek to do a lot split.

#### **B. Term of Effect**

This Chapter is applicable only while California Government Code sections 65852.21 and 66411.7 created by SB 9 remain in effect.

**C. Applicable Zones and Projects**

The provisions of this section apply to development of dwelling units on lots in the R-1 zoning district, which were created pursuant to the Urban Lot Split provisions of this Code.

**D. Ministerial Approval**

Development per this Section is subject to staff review and approval only, using the criteria and standards of this Section.

**E. Criteria for Approval**

Development of dwelling units subject to this Chapter shall be approved if it meets all the following criteria:

1. Would not require demolition or alteration of a dwelling unit(s) that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low or very low income.
2. Would not require the demolition of more than 25% of existing exterior structural walls of a dwelling unit(s).
3. Would not require demolition or alteration of a dwelling unit(s) that has been occupied by a tenant in the last three years.
4. Complies with all other standards and regulations of this Section.

**F. Development Standards**

The following development standards shall apply to all development on lots created per the Urban Lot Split provisions of this section.

**1. Number of Allowed Dwelling Units.**

A maximum of two dwelling units of any kind may be built on a single lot, in any combination of primary dwelling, Accessory Dwelling Units (Section 17.12.030), or Junior Accessory Dwelling units.

**2. Maximum Floor Area.**

The maximum total gross floor area of each new dwelling unit shall be 1,200 square feet.

**3. Height.**

Maximum height shall be per the R-1 zoning district standard for primary structures.

**4. Setbacks.**

- a. Front yard setback: Per the zoning district setback requirements for a primary structure.
- b. Side yard: Four (4) feet.
- c. Rear yard: Four (4) feet.

**5. Lot Coverage.**

Lot coverage shall be per the standards for the residential zoning district. Coverage calculations shall include all dwelling units.

**6. Open Space.**

Ten percent (10%) of the lot shall be dedicated for common open space and shall provide amenities such as but not limited to gardening, outdoor seating or furniture, playground equipment, patio, and/or outdoor grill appliance.

**7. Landscaping.**

Landscaping shall be provided as required by the residential zoning district.

**8. Design.**

If a primary dwelling unit exists on the parcel, any other dwelling unit on the parcel shall be compatible with the architectural style, materials, and colors of the existing unit.

**9. Parking.**

a. A minimum of one off-street parking space shall be provided for each dwelling unit, Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the following apply in which case no off-street parking is required:

- i. The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
- ii. There is a car share vehicle located within one block of the parcel.

**10. Non-Habitable Accessory Structures**

a. Development of non-habitable accessory structures shall be per the standards for accessory structures, pursuant to Section 17.12.030, in the residential zoning districts.

**G. Additional Requirements**

**1. Short-Term Rentals Prohibited.**

a. Any dwelling unit created pursuant to this Section, if offered for rental, shall be rented for a minimum term of one month.

**2. Building and Safety Regulation.**

a. The City may deny the construction of dwelling units per this Section if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed dwelling unit(s) would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and that there is no feasible method to satisfactorily mitigate or avoid the impact.

b. An application shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet applicable building code standards.

**17.12.260 Wireless Telecommunication Facilities**

**A. Purpose and Intent.** The purpose of this Section is to provide standards for the placement and design of wireless telecommunications facilities so as to preserve the unique visual character of the community, promote the aesthetic appearance of the community, and ensure public safety and welfare. The intent of this Section is to:

1. Encourage the location of wireless telecommunications facilities in non-residential areas, rather than residential or sensitive areas, and minimize the number of such facilities throughout the

community while maintaining personal cellular and wireless coverage services without significant gaps in coverage throughout Irwindale;

2. Encourage the use of existing poles and infrastructure for the mounting of wireless telecommunications facilities rather than construction of additional new poles and infrastructure;
3. Encourage applicants for wireless telecommunications facilities to locate and design such facilities in a manner that is least intrusive to the community while still allowing carriers to provide wireless telecommunications services without significant coverage gaps in Irwindale;
4. Encourage users of wireless telecommunications facilities to configure such facilities in a way that minimizes adverse visual impact through careful design, use of stealth facilities, siting, landscape screening and other innovative camouflaging techniques;
5. Enhance the ability of the providers of wireless telecommunication services to provide services to the community quickly, effectively and efficiently; and
6. Regulate telecommunications facilities in a manner that is compliant with Federal, State, and local laws.

**B. Applicability.**

1. This Section applies to all wireless telecommunications facilities located:
  - a. Outside of the public right-of-way;
  - b. Outside City-owned properties; or
  - c. Not mounted upon, or occupying, City-owned support structures.
2. This Chapter does not apply to the following:
  - a. Amateur radio facilities;
  - b. Over the air reception devices ("OTARD") antennas;
  - c. Facilities owned and operated by the City for its use; or
  - d. Any entity legally entitled to an exemption pursuant to State or Federal law or governing franchise agreement.

**C. Permits Required.**

1. Wireless telecommunications facilities shall require a Conditional Use Permit identified in Article II, Zoning District Regulations, prior to installation. However, if an eligible facility does not include a substantial change, it shall be approved subject to issuance of applicable ministerial permits, including Building and/or Encroachment Permits. All facilities approved under this Chapter are subject to all Federal, State and local laws, rules, regulations, conditions and requirements, including FCC rules and regulations, and approvals, licenses and applicable conditions required by other City Departments. Major modifications for wireless telecommunications facilities may be referred by the Community Development Director to the Planning Commission for review and decision, which may be appealed to the Council.
2. New, free-standing wireless telecommunications facilities shall be subject to a CUP.
3. Wireless telecommunications facilities that are not subject to a CUP shall be reviewed and processed administratively.
4. If an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such

modification may be deemed a non-substantial change, at the discretion of the Community Development Director and based upon reasonable consideration of the cabinet's proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible, the Community Development Director may allow for a ground mounted cabinet.

- D. Master Deployment Plans for Discretionary Approvals.** The City encourages applicants to submit a single application for multiple telecommunications facilities in the form of a Master Deployment Plan.
- 1.** For any application subject to discretionary approval, if the applicant applies for more than one approval major wireless telecommunications facilities permit, the applicant may elect to submit the multiple applications as a Master Deployment Plan.
  - 2.** A Master Deployment Plan Permit shall be deemed an approval for all wireless telecommunications facilities within the plan, provided however, that an individual Encroachment Permit is required for each wireless telecommunications facility.
  - 3.** Any modifications from the approved Master Deployment Plan, as applicable to any single wireless telecommunications facility encompassed by the approval, shall require further entitlements, either as a substantial change subject to discretionary approval or a ministerial eligible facilities request.
  - 4.** If the applicant submits more than three applications for a discretionary wireless telecommunications permit within a 60-day period, then upon submission of the third application and for each application following within that period, the applicant shall submit a letter from the wireless service carrier identified in the application confirming:
    - a.** The carrier is aware of the applicant's request for permits;
    - b.** The number of applications submitted by the applicant with the 60-day period; and
    - c.** The carrier is aware that a master deployment option is available for the project.
- E. Application Requirements.** An application for the approval of a wireless telecommunications facility shall include the following information, in addition to all other information required by the City. Each application for discretionary review shall be filed on a City application form, together with required fees and/or deposits, and all other information and materials required by the City's list of required application contents.
- 1.** The name, address and telephone number of the applicant, owner and the operator of the proposed facility. Applications shall include a copy of a title report, lease, license, or other legal instrument(s) demonstrating legal access to the proposed site (including underlying real property) for the purpose of facility construction and maintenance. If the facility will be located on or in the property of someone other than the owner of the facility, the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property.
  - 2.** If the facility will be located on or in the property of someone other than the owner of the facility (such as a street light pole, street signal pole, utility pole, utility cabinet, vault or cable conduit), the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property.
  - 3.** An application for a new facility shall include a site plan(s) to scale, specifying and depicting the exact proposed location of the pole, pole diameter, antennas, accessory equipment, access or utility easements, landscaped areas, existing utilities and adjacent land uses.

4. An application for a new facility shall include site plans with equipment data including exact transmitting frequencies, transmitter output power, effective radiated power and duty cycle information.
  5. Scaled elevation plans of proposed poles, antennas, accessory equipment and related landscaping and stealthing devices.
    - a. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed stealthing for the facility, including scaled photo simulations from at least three different angles.
    - b. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, stealthing and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
  6. A coverage-needs justification study which includes the rationale for selecting the proposed use; a detailed explanation of the coverage gap that the proposed use would serve, if applicable; and how the proposed use is the least intrusive means for the applicant to provide wireless service. The study shall include all existing structures and/or alternative sites evaluated for potential installation of the proposed facility and why the alternatives are not a viable option.
  7. When a new monopole is submitted for review, plans shall be provided which show a minimum of two additional sites on each monopole which would allow for future co-location of additional arrays.
  8. A noise study, prepared by a qualified acoustic engineer, documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this Code.
  9. A traffic control plan when the proposed installation is on any street in a non-residential zone. The City shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
  10. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed request as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 et seq., or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the City reserves its right to exercise its rights as a responsible agency to review de novo the environmental impacts of any application.
  11. A traffic control plan when the proposed installation is on any street in a non-residential zone. The City shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g., crane).
  12. Applicants for an eligible facility request shall only be required to provide documentation that is reasonably related to determining whether the request is consistent with Federal requirements for eligible facility requests.
- F.** Communications Consultant. In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a telecommunications consultant may be requested to determine the engineering or stealthing requirements of establishing or modifying a specific wireless telecommunications facility. This service will be provided at the applicant's expense.
- G.** Permit Review.
1. To promote efficient review and timely decisions, an application will be automatically deemed withdrawn when an applicant fails to tender a substantive response within 90 days after the

application is deemed incomplete in a written notice to the applicant. The Community Development Director may, in the Community Development Director's sole discretion, approve a written extension for up to an additional 30 days upon written request for an extension received prior to the 90th day. The Community Development Director may approve further written extension only for good cause, which includes circumstances outside the applicant's reasonable control.

2. An application shall be deemed approved if the City fails to act within the requisite time period identified in this Subsection, including for new wireless telecommunications facility applications. However, no more than 30 days before the applicable timeframe for review expires, the applicant shall provide written notice to the City of the expiration. The notice shall contain the following statement: "Pursuant to California Government Code Section 65964.1, State law may deem the application approved in 30 days unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement."
  4. Within five working days after a final decision on an application has been made, notice of the decision shall be mailed to the applicant at the address shown on the application and to all other persons who have filed a written request for notice of the decision. The City shall provide the reasons for any denial either in the written decision or in some other written record available at the same time as the denial.
- H. Findings.** The approval of a discretionary permit for wireless telecommunications facilities shall require that the Review Authority first make all of the following findings, in addition to all other findings applicable to the review authority and conditions of approval required by this Chapter:
1. The wireless telecommunications facility provides a high quality design that is compatible with the site surroundings and the community;
  2. The wireless telecommunication facility has been designed to minimize its visual and environmental impacts, including the utilization of stealth technology, where applicable;
  3. The wireless telecommunications facility is in harmony with proposed developments on land in the general area;
  4. The application conforms with the criteria set forth in any applicable City-adopted design guidelines and the compatibility standards; and
  5. The applicant demonstrated that it proposed the least intrusive means to achieve its technical objectives.
- I. Modifications and Expansions.** A proposed expansion or modification to wireless telecommunications facility that does not qualify as an existing facilities request or that would constitute a substantial change shall be denied and is subject to the requirements set forth in this Section for the specific type of wireless telecommunications facility proposed. A proposed expansion or modification to an eligible facility that does not include a substantial change may be approved.
- J. Site Selection.** Sites for telecommunications facilities shall be selected according to the following order of preference:
1. Within existing structures (e.g., rooftop stairwell or equipment enclosures).
  2. Co-location facilities (i.e., locating equipment from more than one provider on a single facility).
  3. In locations where existing topography, vegetation, or other structures provide the greatest amount of stealthing.

4. On parcels which will not require significant visual mitigation as determined by the Community Development Director.
- K. Development Standards. A wireless telecommunications facility, including projections, shall meet the development standards for the zone in which it is located, including setbacks and height, unless otherwise specified in this Section.
1. **Maximum Height.** The height of a freestanding wireless structure shall be measured from the maximum vertical distance from the ground to the top of the wireless facility, including any design features. The height of a rooftop and/or parapet wireless structure shall be measured from the rooftop to the top of the wireless facility, including any design features. (i.e., measured to the top of its highest potential position).
  2. **Setbacks, attached facilities.** An attached facility antenna array may extend horizontally up to five feet beyond the edge of the attachment structure regardless of setback requirements, provided that the antenna array does not encroach over an adjoining parcel or public right-of-way.
  3. **Separation from off-site uses/designated areas.** Separation requirements for wireless telecommunications facilities shall comply with the minimum standards established in Table 17.12.260 (Requirements for Separation from Off-site Uses/Designated Areas). Wireless tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area.

<b>Table 17.12.260: Requirements for Separation from Off-Site Uses/Designated Areas</b>	
<b>Off-site Use or Designated Area</b>	<b>Minimum Separation Distance from Base of Tower</b>
Existing single-family, duplex, or multifamily residential units, or vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which has not yet expired <sup>1</sup>	200 feet or 3 times the height of the tower, whichever is greater <sup>3</sup>
Vacant subdividable residential land <sup>2</sup>	100 feet or the height of the tower, whichever is greater <sup>3</sup>
Non-residentially zoned lands or non-residential uses	None; only setbacks apply
<sup>1</sup> Includes modular homes, accessory dwelling units, and mobile homes used for living purposes. <sup>2</sup> Includes unsubdivided parcels within residential zones without an approved tentative map. <sup>3</sup> Facilities may be located on residential structures; minimum separation distances shall be provided to off-site uses and designated areas.	

4. **Separation between towers.** The minimum separation between towers shall be at least 100 feet, unless engineering calculations are submitted which show that the separation can safely be reduced. At no time shall the minimum separation between towers be less than 10 feet or the minimum dimension necessary for the maintenance of the facility.

- L.** Federal, State, and Local Laws. All wireless telecommunications facilities, including those not requiring a planning permit and can be reviewed administratively, shall comply with all applicable requirements of Federal, State, and local laws.
- M.** Avoidance of Airport Interference. Facilities shall not be sited where they will interfere with the operation of the San Gabriel Valley Airport.
- N.** Radio Frequency Radiation (RFR). Facilities shall not result in human exposure to RFR exceeding the standards for permissible human exposure to RFR as adopted by the Federal Communications Commission (FCC). The applicant shall provide a study that documents exposure levels will not exceed the limit by the FCC.
- O.** Noise. Facilities shall comply with applicable City noise standards.
- P.** Lighting. Facilities may be lighted consistent with Section 17.13.090, Lighting Exterior, and such lighting shall be the minimum necessary for safety purposes and shall not be used except as needed (e.g., when maintenance or safety personnel are present at night).
- Q.** Anti-Graffiti. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Community Development Director or shall be adequately secured to prevent graffiti.
- R.** Roads and Access. Facilities shall be served by the minimum number and size of roads and parking areas necessary to comply with the following.
  - 1.** Whenever feasible, existing roads and parking areas shall be used to access and service new facilities.
  - 2.** Access roads and parking areas shall be shared with other facilities and/or permitted uses, whenever possible.
  - 3.** When necessary, new facilities constructed in undeveloped areas shall provide access roads with the minimum width and surfacing necessary to meet fire safety access requirements.
  - 4.** Parking areas shall be limited to the minimum size necessary to accommodate parking and turnarounds for facility maintenance vehicles.
- S.** Screening and Landscaping. Facilities shall comply with standards for landscaping and screening (Chapter 17.17, Landscaping) in addition to the following:
  - 1.** All equipment, antennas, poles or towers shall be sited to be screened by existing development, topography, or vegetation. Facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved.
  - 2.** Additional new vegetation or other screening may be required by the Review Authority to comply with required permit finding or this Section.
  - 3.** The smallest and least visible antennas possible shall be used to accomplish the owner/operator's coverage objectives.
- T.** Visual Compatibility. Facilities and equipment shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible. Visual compatibility shall be accomplished through the following measures.
  - 1.** Wireless telecommunications facilities shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background. This includes, but is not limited to, the following:

- a. Building-mounted facilities shall blend into or appear to be an integral part of the structure, or to otherwise minimize their appearance.
  - b. Wall-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible and should be located entirely within an existing or newly created architectural feature so as to be completely screened from view.
  - c. Roof-mounted antennas and associated equipment shall be located as far from the edge of the roof as possible, to minimize visibility from street level, and should be located adjacent to existing rooftop antennas or equipment, incorporated into rooftop antenna or equipment enclosures, or otherwise screened from view. Where appropriate, construction of a rooftop parapet wall to hide the facility may be required.
  - d. Whenever possible, base stations, equipment cabinets, backup generators, and other equipment associated with building-mounted antennas should be installed within the existing building envelope or underground. If this is not feasible, the equipment shall be painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environments. Equipment buildings should be architecturally designed and constructed of exterior building materials that are consistent with the surrounding development and/or land use setting.
  - e. Free-standing wireless facilities shall be disguised to resemble a natural feature, such as a palm tree, on a vacant site or property that can be viewed from a distance. Other innovative design solutions are appropriate where the screening potential of a site is low (e.g., disguise facility as landscape element, public art, etc.). Landscaping in these areas shall be native and consistent with the surrounding vegetation. Where applicable, a grouping of similar tree species to the wireless facility, shall be planted.
2. Facilities shall not be located on a historic structure or landmark unless it can be shown that their location or removal will not damage the historic or architecturally significant elements of the structure in any way.
  3. No advertising, display, or graphic is allowed on any wireless telecommunications facility. A manufacturer's identification label and/or any government required identification, safety labels, or signs may be affixed to a facility or site in a discrete manner as feasible.
- U.** Undergrounding Required. All power lines and electrical and antenna wiring shall be placed underground whenever technically feasible, the burden of proving shall be the responsibility of the applicant.
- V.** Contact and Site Information. The owner or operator of any wireless telecommunications facility shall submit and maintain current at all times basic contact and site information for both the facility and the underlying real property. The Community Development Director shall be notified by the owner or operator within 30 days of any change, including change of the name or legal status of the facility/site owner or operator.
- W.** Maintenance. Wireless telecommunications facilities, including all accessory equipment and fencing shall be maintained at all times, including but not limited to painting and cleaning.
- X.** Duration of Approval, Renewal. Approval terminates upon the expiration of 10 years from the approval. A permittee shall submit any application to renew a permit approved under this Chapter to the City between 365 days and 180 days prior to the expiration of the current permit or approval.

The application shall include all information, materials, fees, and deposits required for a new application under this Chapter. The City shall review an application for renewal in accordance with then-current standards for new facilities (excepting for eligible facilities requests). The City may, but is not obligated to, temporarily extend the permit term to allow sufficient time to review a timely submitted renewal application.

- Y.** State and Federal Law Preemptions. The Council recognizes that Federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services and the applicant proposes the least intrusive means to provide such services. The Council finds that, due to wide variation among wireless telecommunications facilities, technical service objectives (coverage needs), and changed circumstances over time, a limited exemption for proposals in which strict compliance with this Section would effectively prohibit personal wireless services serves the public interest. In the event it is determined by the city attorney that State or Federal law prohibits discretionary permitting requirements for certain wireless telecommunications facilities, such requirement shall be deemed severable and all remaining regulations shall remain in full force and effect. Therefore, in the event that any applicant asserts that strict compliance with any provision in this Section, as applied to a specific proposed personal wireless services facility, would effectively prohibit the provision of personal wireless services, the applicable Review Authority may grant a limited, one-time exemption from strict compliance subject to the provisions in this Section.

## Chapter 17.13 Site Planning and General Development Standards

### Subsections:

- 17.13.010 Purpose
- 17.13.020 Applicability
- 17.13.030 Accessory Buildings and Structures
- 17.13.040 Development on Lots Divided by Zone Boundaries
- 17.13.050 Development on Substandard Lots
- 17.13.060 Encroachments into Required Setbacks
- 17.13.070 Fences, Walls, and Hedges
- 17.13.080 Heights and FAR Exceptions
- 17.13.090 Lighting (Exterior)
- 17.13.100 Open Space for Multi-Family Residential Buildings
- 17.13.110 Outdoor Storage
- 17.13.120 Parking and Storage of Commercial and Recreational Vehicles
- 17.13.130 Refuse and Recycling Areas
- 17.13.140 Screening of Mechanical and Electrical Equipment
- 17.13.150 Swimming Pools and Spas
- 17.13.160 Underground Utilities
- 17.13.170 Visibility at Intersections

### 17.13.010 Purpose

The purpose of this chapter is to ensure that development is consistent with the General Plan, complies with the standards of this chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.

### 17.13.020 Applicability

The standards of this chapter apply to all zoning districts. These standards shall be considered in combination with the standards for each zoning district in Article II (Zoning District Regulations) and Chapter 17.12, Specific Use Regulations of this title. Where there may be a conflict, the standards specific to the zoning district or specific land use shall override these general standards except where these standards provide otherwise. All structures, additions to structures, and uses shall conform to the standards of this chapter as determined applicable by the Community Development Director and except as specified in Chapter 17.18, Nonconforming Uses, Sites, and Buildings).

### 17.13.030 Accessory Buildings and Structures

#### A. Applicability.

1. Detached Structures. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios which are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height (measure from the decking) and are detached from and accessory to the main building on the site.
2. Attached Structures. The provisions of this Section do not apply to accessory buildings or

structures attached to the main building, which shall comply in all respects with the requirements of this Title applicable to the main building. Structures with a common wall or roof with the main building shall be considered part of the main building. Allowed building projections into yards and required building separations are stated in Section 17.13.060, Encroachment into Required Setbacks.

- B. Relation to Existing Structures.** A detached accessory building or structure may only be constructed on a lot on which there is a permitted main building to which the accessory building or structure is related.
- C. Development Standards.** Accessory structures shall meet the development standards of the Zone in which it is located except as follows:
  - 1. Interior Side and Rear Setbacks.** Accessory buildings and structures shall be set back a minimum of five feet from any rear lot line and five feet from any interior side lot line except as follows.
    - a.** Accessory structures that do not contain conditioned space, do not exceed 12 feet in height, are 120 square feet or less, and are located a minimum of five feet behind the street facing façade of the primary structure on site may be located up to three feet from an interior side or rear property line.
  - 2. Additional Location Limitation, R-1, R-2 Zones.** In the R-1 and R-2 Zones, accessory structures shall be located in the rear half of the lot.
- D. Plumbing.** Accessory buildings and structures may have plumbing for a washer, dryer, toilet, shower, and/or utility sink. The minimum required interior clearance excludes plumbing.

#### **17.13.040 Development on Lots Divided by Zone Boundaries**

- A. Generally.** Where a lot is divided by a zone boundary, the regulations applicable to each zone will be applied to the area within that zone.
- B. Exceptions.** If more than 60 percent of a lot (as measured by lot area) is located in one zone, modifications to the provisions of this chapter may be granted through approval of a Conditional Use Permit.

#### **17.13.050 Development on Substandard Lots**

Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of an area, width, or depth less than that required by zone regulations.

- A. Development Standards.** Substandard lots shall be subject to the same development standards as a standard lot.
- B. Reductions Prohibited.** No substandard lot shall be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

#### **17.13.060 Encroachments into Required Setbacks**

Building projections may encroach into required setbacks according to the standards of Table 17.13.060, Allowed Encroachments into Required Setbacks, subject to all applicable requirements of the

Building Code. The “Limitations” column states any dimensional, area, or other limitations that apply to such projections.

<b>Table 17.13.060 Allowed Encroachments into Required Setbacks</b>				
<b>Projection</b>	<b>Required Front or Street Side Yard</b>	<b>Required Interior Side Yard</b>	<b>Required Rear Yard</b>	<b>Limitations</b>
<b>All Projections</b>	No projection may extend closer than three feet to any lot line or into a public utility easement. Where any allowance of this Title conflicts with applicable building codes, the more restrictive shall apply.			
<b>Cornices, Canopies, Eaves and similar architectural features (chimneys and bay windows)</b>	3 feet	3 feet	3 feet	
<b>Fire escapes</b>	5 feet	3 feet	5 feet	
<b>Uncovered deck</b>	5 feet	3 feet	5 feet	
<b>Uncovered patio</b>	5 feet	3 feet	5 feet	
<b>An uncovered stair and landing which does not extend above a ground floor entrance except for the railing</b>	May not encroach	3 feet	6 feet	No such stair and landing shall extend beyond any official plan line or future width line.
<b>Covered porches and patios</b>	5 feet	3 feet	10 feet	Must be unenclosed on three sides except for required vertical supports, insect screening, and kickboards not exceeding one foot in height measured from ground level.
<b>Ramps and similar structures that provide access for persons with disabilities</b>	Reasonable accommodation will be made, consistent with the provisions of Chapter 17.32, Reasonable Accommodation.			

### 17.13.070 Fences, Walls, and Hedges

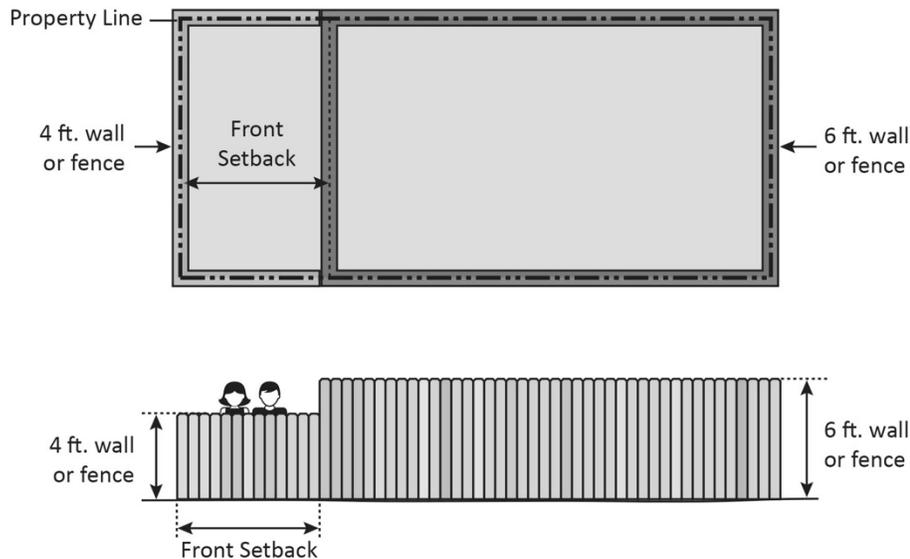
Fences, walls, dense hedges and similar structures shall comply with the standards of this Section.

- A. Maximum Height.** Fences, walls, dense lawn hedges and similar structures are limited to a maximum height as follows:
  - 1. Residential Zones.**

- a. For Residential zones, each fence, wall, and screen (including landscaping use as a screen), shall comply with height limits and locations shown in Table 17.13.070-A and the figure below.
- b. Maximum height may be increased by the designated approving authority as part of Development Review.
- c. Fences, walls, and screening are not required between land uses unless otherwise specified in this Code. Fences, walls, and screening must also be located outside of any public utility easement except as authorized by the applicable utility agency.

Table 17.13.070-1 Fences, Walls, and Hedges	
Maximum Height of Fences, Walls, and Screening in Required Yard Area for Residential Zones	
Location of Fence/Wall/Screen	Maximum Height
Required front yard	4 feet
All other locations on a residential lot or parcel except at intersections (see below)	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	See Section 17.13.170 for required dimensions of clear visibility area

Figure 17.13.070-1 Measuring Front Setback.



2. Non-Residential Zones.

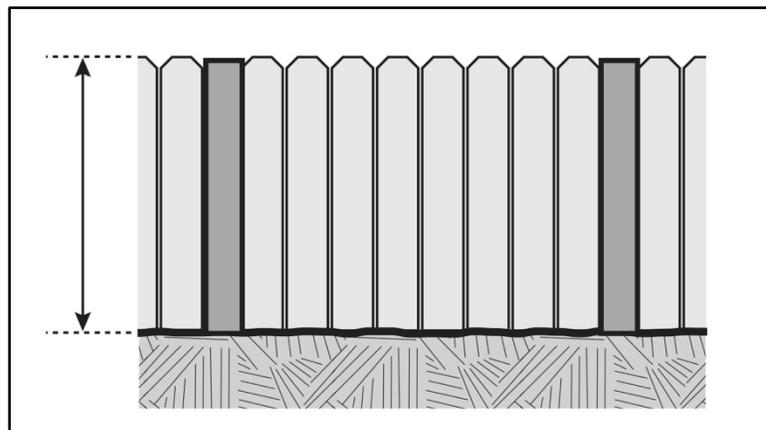
- a. For Commercial and Industrial zones, each fence, wall, and screen (including landscaping use as a screen) shall comply with height limits and locations shown in Table 17.13.070-B and the figure below.
- b. Maximum height may be increased by the designated approving authority as part of Development Review.

Table 17.13.070-2 Maximum Height of Screening	
Maximum Height of Fences, Walls and Screening in Required Yard Area for Commercial and Industrial Zones	
Location of Fence/Wall/Screen	Maximum Height
Perimeter fence, wall, or evergreen hedge on a parcel except at intersections (see below)	8 feet
At intersections of streets, alleys, and driveways within the clear visibility area	Dimensions of clear visibility area and maximum height determined by Public Works

**B. Height Measurement**

1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence.

**Figure 17.13.070-2 Fence Height Measurement.**



*Fence height is measured to the top edge of the fence.*

2. The height of fencing placed atop a wall shall be measured from the base of the wall.
  3. Decorative Features. One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing setback of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of four and 10 feet.
- C. Intersection Visibility.** Notwithstanding other provisions of this Section, fences, walls and related structures shall comply with Section 17.13.170, Visibility at Intersections.
- D. Materials.**
1. Prohibition on Potentially Hazardous Fencing Materials. The use of barbed wire, razor wire, ultra-barrier, electrified security fences, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency. Public safety and critical infrastructure facilities are exempt from this standard.

**a. Exception.**

- i. Barbed wire/razor wire fencing is prohibited unless used in the used for security purposes in the M-1 and M-2 zones. Public safety facilities, such as police stations and fire stations, are exempt.

**2. Limitation on Chain Link Fencing.** Chain link is prohibited in all residential zones, there are exceptions for mini-storage facilities and within the automobile dismantling overlay zone.

**3. Limitation on Concrete Block.** Plain, concrete block is not permitted as a fencing material. Concrete block must be finished with stucco (or decorative split-faced block, slump stone etc.) and capped with a decorative cap.

**E. Location.**

- 1. Fencing shall not be located within any public utility easement without written approval from the City Engineer and all affected utility companies.

**17.13.080 Height and Floor Area Ratio (FAR) Exceptions**

**A. Height.** The structures listed in Table 17.13.080, Allowed Projections Above Height Limits, may exceed the maximum permitted building height for the zone in which they are located, subject to the limitations stated and further provided that no portion of a structure more than the building height limit may contain habitable area. Additional height above the limits of Table 17.13.080 may be approved with a Minor Variance, pursuant to the provisions of Chapter 17.31, Minor Variances.

**B. Floor Area Ratio (FAR).** Increases above the maximum permitted FAR shall only be considered for hotels and hospitals, and only with approval of a use permit, unless otherwise specified for the property in an adopted specific plan. This can be considered when the applicant can demonstrate that the proposed development will: (1) generate low peak-hour traffic; and (2) not create a dominating visual prominence. In each case where an increase in the maximum permitted FAR has been allowed, all other development standards for the site must be met.

<b>Table 17.13.080: Allowed Projections Above Height Limits</b>		
<b>Structures Allowed Above the Height Limit</b>	<b>Maximum Vertical Projection Above the Height Limit</b>	<b>Maximum Coverage and Locational Limitation</b>
Skylights	1 foot	None.
Chimneys	8 feet	None.
Decorative features including spires, cupolas, bell towers, etc.  Rooftop open space features including sun decks, sunshade and windscreens, trellises, and landscaping	10 feet	Limited to a total of 20% of roof area, inclusive of all structures.  Must be set back from the exterior wall one foot for every foot of projection above the height limit.

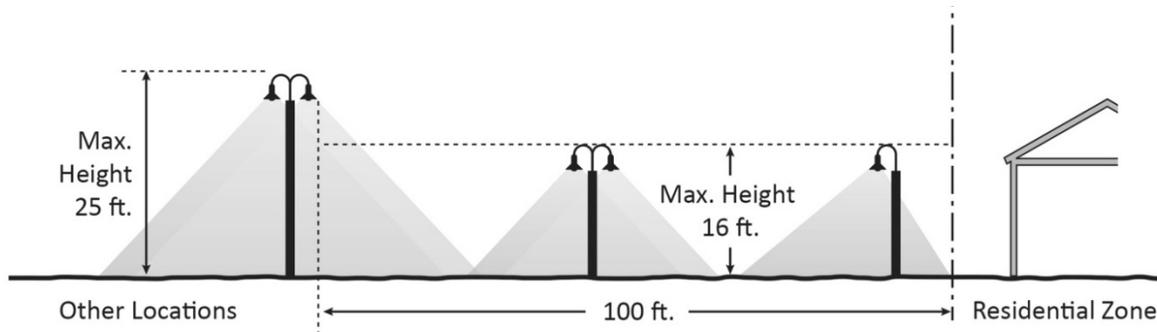
Parapet Wall	8 feet	None.
Elevator and stair towers (for multi-unit residential and non-residential buildings only)	16 feet	Limited to a total of 10% of roof area Must be set back from the exterior wall one foot for every foot of projection above the height limit.
Mechanical equipment	8 feet	Must be set back from the exterior wall one foot for every foot of projection above the height limit and screened from view from adjacent at-grade public streets.
Fire escapes, catwalks, and open railings required by law	No restriction	None.
Telecommunications facilities, antennas, microwave equipment, and radio towers	Subject to the provisions of Section 17.12.260, Wireless Telecommunications Facilities.	

**17.13.090 Lighting, Exterior**

- A. Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.
  - 1. Exceptions.** The following outdoor lighting shall not be subject to the provisions of this Section.
    - a. Public and Private Street Lighting.
    - b. Athletic Field Lights. Athletic field lights used within a school campus or public or private park.
    - c. Safety and Security Lighting. Safety and security lighting for public facilities.
    - d. Construction and Emergency Lighting. All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
    - e. Seasonal Lighting. Seasonal lighting displays related to cultural or religious celebrations.
- B. Prohibitions.** The following types of outdoor lighting are prohibited in all zones, with exceptions listed in 17.13.090(A).
  - 1. Searchlights.** The operation of searchlights for advertising purposes.
  - 2. Mercury Vapor.** Mercury vapor lights.

3. Other Light Types. Laser lights or any other lighting that flashes, blinks, scrolls, alternates, or moves (excluding bi-level lighting).
- C. General Lighting Requirements. Outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community while still employing Crime Prevention Through Environmental Design (CPTED) principles. Lighting for commercial installations adjacent to or near residential uses shall be compatible with and not directly illuminate nearby residential uses.
1. Maximum Height.
    - a. Within 100 feet of a Residential Zone. 16 feet.
    - b. Other Locations. 25 feet.
    - c. Additional Height. The Planning Commission may allow additional height for activities, uses or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.

**Figure 17.13.090-1 Maximum Height, Outdoor Lighting.**



2. Fixture Types. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaries.
  3. Design of Fixtures. Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on building shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet, roof or eave of the roof.
  4. Timing Controls. All outdoor lighting in non-residential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.
  5. Light Trespass. All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.
  6. Must comply with City of Irwindale Building Code.
- D. Supplemental Requirements.
1. Multi-Family Residential Buildings.

- a. Lighting in parking, garage, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
  - b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot – candles at the ground level during the hours of darkness.
2. Non-Residential Buildings. All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-half foot-candle of light.

#### **17.13.100 Open Space for Multi-Family Residential Buildings**

Open space required by this Code shall be provided in accordance with the following:

**A. Configuration.**

1. Private open space typically consists of balconies, decks, patios, fenced yards and other similar areas outside the residential unit.
2. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums or on rooftops provided they are adequately landscaped.

**B. Minimum Dimensions.**

1. Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
2. Common Open Space. Minimum length and width dimension of 20 feet.

**C. Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete or other serviceable dust-free surfacing. Slope shall not exceed 10 percent.

**D. Accessibility.**

1. Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
2. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

#### **17.13.110 Outdoor Storage**

Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards of Table 17.13.110, Outdoor Storage Regulations.

<b>Table 17.13.110: Outdoor Storage Regulations</b>	
<b>Zone</b>	<b>Permissibility of Outdoor Storage</b>
R-1, R-2, and R-3	Permitted as an accessory use where: <ul style="list-style-type: none"> <li>• Occupies no more than 200 square feet;</li> <li>• Located outside of all required setbacks, parking and circulations areas, and required landscaped areas; and</li> <li>• Screened consistent with the requirements of Section 17.13.140, Screening of Mechanical Equipment.</li> </ul>
C-1, C-2, C-3	Not permitted. (All storage must be located within an enclosed building).
M-1, M-2, BP, and P/SP	Permitted as an accessory use where: <ul style="list-style-type: none"> <li>• Located outside of all required setbacks, parking and circulation areas, and landscaped areas; and</li> <li>• Screened consistent with the requirements of Section 17.13.140, Screening of Mechanical Equipment.</li> <li>• Subject to CD review.</li> </ul>

**17.13.120 Parking and Storage of Commercial and Recreational Vehicles**

The parking and storage of commercial and recreational vehicles on private property is subject to the following standards.

**A. Commercial Vehicles and Equipment.**

1. Commercial Vehicles. Commercial vehicles, including any self-propelled vehicle over 10,000 pounds gross vehicle rating and/or having more than two axles and possessing a commercial license plate, shall not be parked or stored in any residential zone or any street adjoining a residential zone.

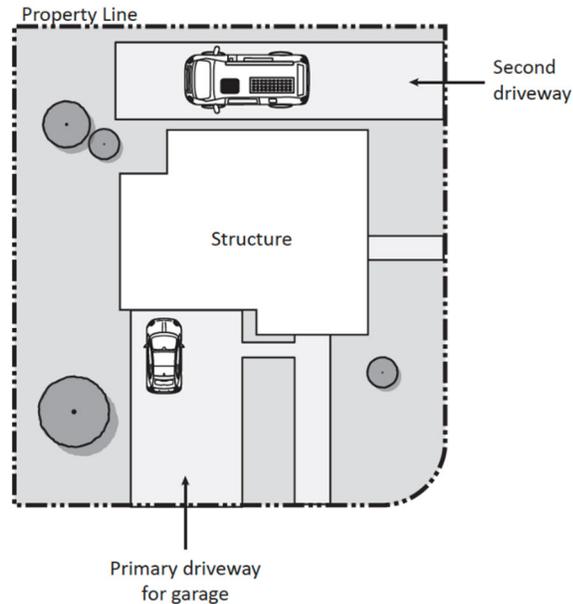
**B. Trailers and Equipment.** Trailers or equipment used for commercial purposes shall be stored within an enclosed building or screened from adjacent properties.

**C. Recreational Vehicles.**

1. Location. Recreational vehicles parked on residential lots which were of record on or before the adoption of this Chapter, must be parked at least five feet from the sidewalk, street right-of-way or property line, whichever is farther. Recreation vehicles parked on residential lots created after the adoption of this Chapter, may not be parked in a required setback adjacent to a public street.
2. Paving and Surfacing.
  - a. Total Area of Surfacing. No more than 350 square feet of paved or improved surfaces shall be allowed for the parking or storage of recreational vehicles in any Residential Zone.
  - b. Surfacing for Parking in Front Yards. Recreational vehicles located within front yards shall be parked on a paved surface or similar material in accordance with the provisions of this section and the Irwindale Zoning Code.

- c. Surfacing for Parking in Side or Rear Yard. Recreational vehicles located within side or rear yards shall be parked on a paved or improved surface, which may include pavement or turf stones. All surfaces shall be kept clear of weeds, debris, mud and vehicle fluids that contaminate soil or groundwater.
3. Secondary Driveway. A secondary driveway for recreational vehicles may be allowed on corner lots outside of the vision triangle of the intersection, with the approval of an encroachment permit from the Public Works/Engineering Department. Paving strips may be used on the driveway.

**Figure 17.13.120-1 Secondary Driveways.**



4. Registration. The recreational vehicle shall have a current and valid registration displayed.
5. Dwelling Use Prohibited. No recreational vehicle shall be used for dwelling purposes on any site.
6. Fluid Collection Systems. Drip pans or other fluid collection systems shall be used on any recreational vehicle that shows evidence of leaky fluids.

### 17.13.130 Refuse/Trash Collection Areas

#### A. General Requirements.

1. In accordance with the California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900 through 42911), any project for which an application for a building permit is submitted after the effective date of this ordinance, shall include adequate, accessible areas for collecting and loading refuse and recyclable materials. These regulations apply to refuse and recycling areas not accessible to the public, and which are used exclusively by the tenants/owners of the development site.
2. In accordance with the California Waste Management Act of 1989 (Public Resources Code Sections 40050 through 40063) and the City of Irwindale Municipal Code Chapter 8.20 (Solid Waste Collection), areas for recycling shall be adequate in capacity, number, and distribution to serve the development where the project occurs. These areas shall be located within, or as close as possible to, planned or existing exterior collection areas/enclosures.

- B. Applicability.** The provisions of this Section apply to all development except as follows.
1. Any project for which a building permit is not required from the City Building Department;
  2. All commercial and multi-unit activity that requires only an over-the-counter permit;
  3. All permits not related to the interior improvement of the building excluding new structures; and
- C. Size and Location.** Refuse, including organic waste and fats, oils, and grease, and recycling collection areas shall be sized and located as provided below. Additional storage area and alternative designs may be required based on the types and quantities of materials to be generated by the proposed land use and the mode of collection. Additional design requirements may be applied for the purposes of preventing stormwater pollution discharges.
1. **Size and Number.** Refuse collection areas shall be adequate in capacity, number, and distribution to accommodate all trash, garbage, recyclables, and any other waste until such items are picked up by the City or its contracted collector.
  2. **Location.**
    - a. Enclosures shall be located a minimum of 10 feet from any structure, 25 feet from any public street, 15 feet from the edge of pavement of a private street, and a minimum of 25 feet from any residential zoned property line.
    - b. Collection areas shall be no more than 150 feet from each living unit within a residential development.
- D. Security and Function Design Measures.**
1. **Enclosure Required.** Exterior collection areas must be within an enclosure that meets the following standards.
    - c. **Minimum Height.** Six feet.
    - d. **Design.** The enclosure shall be designed to architecturally integrate with the adjacent building structure(s).
    - e. **Access.** A pedestrian access and separate access for primary collection shall be provided.
    - f. **Enclosure Materials.** Exterior collection areas must be within an enclosure constructed of solid concrete or masonry wall.
      - i. Concrete curbs, bollard, or wheel stops shall be installed or constructed inside the enclosure to prevent bins from damaging the enclosure.
  2. **Enclosure Gates.** The primary collection access point must be screened with a gate a minimum of six feet in height, made of steel or approved equivalent and detached from masonry, which is locked continuously except on collection days.
    - a. Enclosure gates must have a four-inch clearance off the finished pad or apron and surrounding curbs.
    - b. Gates in the opened position shall not infringe on the traffic aisles and open to at least 135 degrees when secured open.
    - c. Hardware should be of enough strength to accommodate repetitive swinging.
    - d. Gated opening for ingress/egress of bins must be a minimum of 16 feet wide with no posts in the middle, place gate posts outside this span to avoid reducing the span.

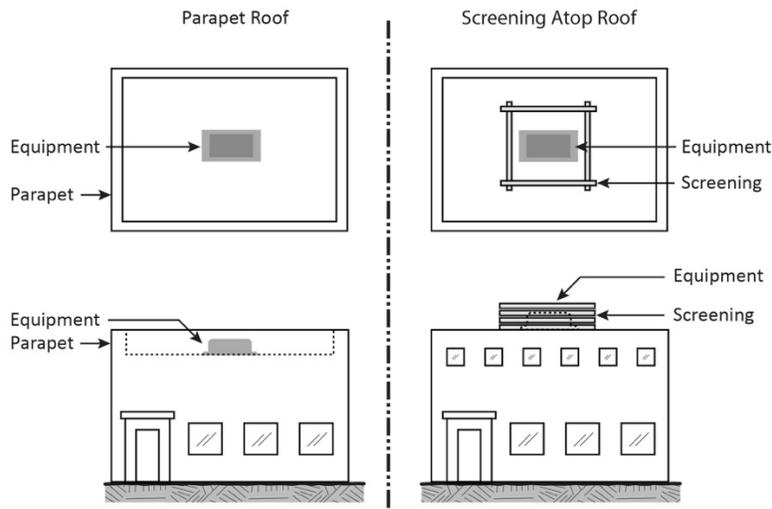
- e. Gates for the trash enclosure must remain closed except when being serviced by waste hauler.
      - f. Gate doors shall be provided a means to secure the doors both opened and closed, e.g. cane bolt w/sleeve and slide latch between doors and sleeve in pavement. The bolts should be a minimum ½ inch diameter and the sleeves for both should be a minimum of 1 inch or double the size of the bolt to allow flexibility.
  - 3. Protection from Bins and Vehicles. To prevent damage to the enclosure from bins or vehicles, the enclosure shall have bollards, painted to match adjacent wall (façade) color inside the enclosure, or interior concrete curbing, a minimum of six- inch-high and six-inch-deep, or wheel stops set a minimum of six inches from each wall.
  - 4. Covers. The refuse and recyclable materials in exterior collection areas shall be protected from the rain and illegal dumping by a roof over the collection area and by use of covered receptacles/containers within the collection areas. Lids must always remain closed except when loading or unloading.
- E. Access Requirements. The storage area for refuse and recyclable materials must be accessible to pedestrians (both residents and/or employees) of the development site and to refuse and recycling haulers. Vehicle access requirements are as follows:
  - 1. Driveways or travel aisles leading to exterior collection areas or enclosures shall be a minimum of 28 feet in width and paved in accordance with this title’s paving requirements.
  - 2. Driveways or travel aisles shall provide unobstructed paved access for collection vehicles and provide a minimum of 15 feet vertical clearance. In loading areas, minimum overhead vertical clearance shall be 25 feet for loading operations.
  - 3. A concrete apron or pad, having a minimum size of 10 feet wide by 20 feet long, shall be constructed in front of each exterior collection area or enclosure or at the point of pick-up by the collection vehicle. The purpose of this pad is to prevent damage to the surrounding asphalt paving. The pad shall have a level surface (no slope) and shall be paved with concrete.
    - a. The Community Development Director may waive the requirement for, and/or size of, the concrete apron or pad provided the property owner can demonstrate that the existing asphalt located at the access and servicing areas of the refuse and recycling enclosure has withstood on-going, regular use without appreciable degradation. The property owner may also be required to enter into a private road agreement with the City as a condition to providing service.
- F. Signage.
  - 1. Signs shall be posted on each container for recyclable material, identifying which material shall be disposed of in that container.
  - 2. One sign identifying each outdoor refuse and recycling area is required. Each sign shall not exceed four square feet and shall be posted on the exterior of the area adjacent to the access point. The sign shall also notify the public that unauthorized collection and/or scavenging is prohibited.
- G. Exceptions. The Community Development Director shall have the authority to approve exceptions, or consider modified design standards, to the requirements of this Section, for new development projects and projects involving the expansion or retrofit of an existing development. The property owner/applicant must first prove that he/she cannot meet the requirements for the refuse and recycling collections area as set forth in this Section and any other applicable Section.

1. Reasons for Exceptions. Exceptions may be approved for reasons including, but not limited to, the following:
    - a. The requirement to provide adequate space for refuse and recyclable materials storage and collection would necessitate the conversion or removal of required parking spaces or required landscaping, or would conflict with some other essential site improvement required by the City;
    - b. The nature of the proposed development justifies the provision of less recyclable materials storage and collection space than mandated by this Chapter; or
    - c. Construction of the full enclosure with the landscaping buffer would reduce the vehicular access aisle to less than acceptable width. Cost alone is not a valid reason for granting an exception.
  2. Required Findings. Exceptions from any provision of this Section may be approved if the following findings can be made:
    - a. That the exception from these requirements will not be detrimental to public health, safety, or welfare nor result in a nuisance; and
    - b. That the project will provide adequate capacity, number and distribution of collection areas to serve the new or existing development.
- H. Maintenance.** Maintenance of each enclosure area and any bins and containers shall be the responsibility of the property owner. The property owner shall be responsible for keeping the area clean and free of litter, rodents, and insects. Enclosures that are damaged to the point of non-use will result in a service interruption if the hauler cannot access the containers and shall be repaired within 90 days.
- I. Regular Collection.** The property owner is responsible for arranging the regular collection or pick-up of refuse and recyclable and/or organic materials stored in the container area. Materials shall not be allowed to accumulate such that a visual or public health or safety nuisance is created.
- J. Unauthorized Collection Prohibited.** Unless otherwise provided by contract, recyclable materials which have been segregated from other waste materials and placed at the designated collection and storage location, shall not be removed by anyone other than the authorized recycling agent/hauler. Violation of this provision shall be punishable as a misdemeanor.

#### **17.13.140 Screening of Mechanical and Electrical Equipment**

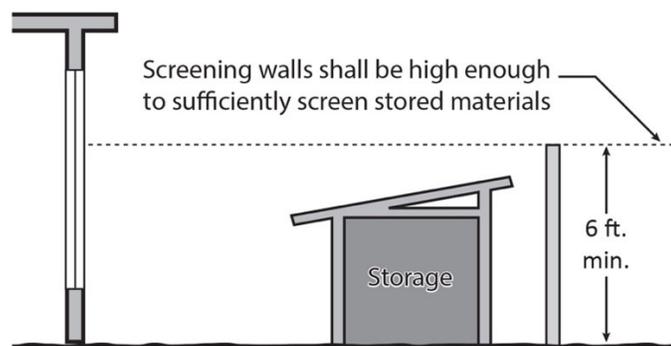
- A. Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from adjacent at-grade public rights-of-way and/or adjacent Residential Zones. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow devices, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions may be granted by the Community Development Director where screening is infeasible due to health and safety, structural limitations, or utility requirements.

**Figure 17.13.140-1 Screening of Mechanical and Electrical Equipment.**



- B. Outdoor Storage Areas.** Outdoor storage areas shall be screened from view from any adjacent public street or freeway; existing or planned residential area; or publicly accessible open space area with a solid masonry wall a minimum of six feet in height or a wrought iron fence with mature, fast-growing, closely planted evergreen hedges of eight feet in height. Such wall or fence must meet minimum setback requirements for the applicable zone.
1. Screening walls shall be high enough to sufficiently screen stored material. Fences and walls shall not exceed the maximum allowable fence heights unless allowed pursuant to approval of a Minor Variance.

**Figure 17.13.140-2 Screening of Outdoor Storage Areas.**



- C. Other Outdoor Activity Areas.** Where the Community Development Director finds that an outdoor use without screening would have a detrimental effect, the outdoor use shall be screened from view from any public street or freeway; existing or planned residential area; or publicly accessible open space area.
- D. Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter and advertising. Graffiti shall be removed within two days of notice of its

placement. Where hedges are used as screening, trimming, or pruning shall be employed as necessary to maintain the required and the maximum allowed height.

#### **17.13.150 Swimming Pools and Spas**

Swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment shall comply with the following standards:

- A. Water-Containing Portions of Swimming Pools and Spas.** The outside wall of the water-containing portion of any swimming pool or spa shall be located as follows:
  - 1. **Front Setback.** The outside wall of the water-containing portion of any swimming pool or spa shall be located on the rear half of the lot as measured from the front property line.
  - 2. **Street Side Setback.** The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of 10 feet from the street side property line. Where the lot is enclosed by a masonry subdivision perimeter wall, the street side setback is five feet.
  - 3. **Rear and Interior Side Setbacks.** The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from the interior side and rear property line.
  - 4. **Dwelling Unit Setback.** The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from the exterior wall of any dwelling unit.
- B. Filter, Heating, and Maintenance Systems.** All filter, heating, and maintenance systems and equipment shall not be located within any required setback adjacent to a public street, or within three feet of an interior side or rear property line, or within 10 feet of the living area of any dwelling unit on an adjacent parcel unless located completely within a soundproof enclosure.

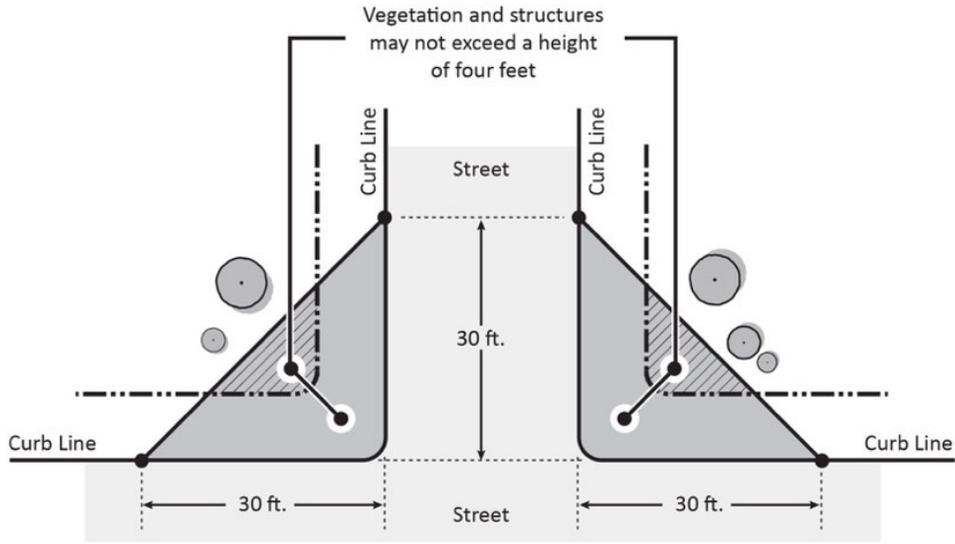
#### **17.13.160 Underground Utilities**

All electrical, telephone, cable television, and similar distribution lines providing direct service to new development shall be installed underground within the site. This requirement may be waived by the City Engineer upon determining that underground installation is infeasible.

#### **17.13.170 Visibility at Intersections**

Vegetation and structures located on a property at any corner from intersecting streets may not exceed a height of four feet within the vision triangle formed by drawing imaginary lines between points 30 feet from where the curb lines of the intersection quadrant meet. Any vegetation or structures obstructing the view of the intersection may be removed pursuant to Chapter 12.10 of the Irwindale Municipal Code, as may be amended over time.

Figure 17.13.170-1 Visibility at Intersections.



## **Chapter 17.14 Multi-Family Objective Design Standards**

Subsections:

- 17.14.010 Purpose
- 17.14.020 Applicability
- 17.14.030 Approval Authority
- 17.14.040 Site Planning
- 17.14.050 Landscaping and Lighting
- 17.14.060 Architectural Design
- 17.14.070 Accessory Features

### **17.14.010 Purpose**

The objective design standards supplement the development standards in the Zoning Code and serve as minimum requirements for multi-family residential development. The objective design standards also further the goals, policies, and actions of the General Plan, which encourage high quality design in the City of Irwindale.

Objective design standards are those that involve no personal or subjective judgment by the plan reviewer and are uniformly verifiable by reference to an external and uniform benchmark.

### **17.14.020 Applicability**

For a multifamily residential development to be eligible for a streamlined ministerial approval process using objective design standards, the development must meet the specific eligibility criteria set forth in Government Code section 65913.4.

The discretionary design review process described in Chapter 17.25 of this Code shall be used for all multi-family residential development projects that are not eligible for streamlined review. Projects requesting exceptions and/or administrative modifications to these standards will be reviewed under the discretionary review process described in Chapter 17.27.

### **17.14.030 Approval Authority**

The Community Development Director shall approve projects which meet all of the objective design standards in this Chapter. The Community Development Director's approval may be appealed per Chapter 17.24 of this Code.

### **17.14.040 Site Planning**

The following design and development standards apply to the location of buildings and site features within a multi-family project:

**A. Neighborhood Compatibility**

1. Residential projects located across the street from single-family neighborhoods shall orient the following features toward the street: individual entries, patio areas and landscaping.
  - a. Multi-family units abutting single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).
  - b. Parking lot areas and carports shall not be located to face single-family neighborhood street frontages.
2. When located adjacent to one- or two-story single-family detached homes, the design of multi-unit structures along the project edge shall be designed to transition in scale. This can be achieved by the following standards:
  - a. Subdividing perimeter buildings into segments compatible with adjacent residential scale (e.g., upper story setbacks).
  - b. Limiting the height of the portion of the multi-family structures within 100 feet of the common boundary to two stories. Beyond 100 feet, structures (and portions thereof) up to the height limit are permitted.

**B. Pedestrian Access, and Open Space**

The following standards apply to the design of pedestrian and open space features within a multifamily project:

1. On-site pedestrian circulation and access shall be provided according to the following standards:
  - a. Pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. An on-site walkway shall connect the primary building entry or entries to a public sidewalk along each street right-of-way.
  - c. Walkways shall be a minimum of four feet wide and paved with concrete or pavers, either situated on a concrete or a permeable base.
2. Common open space is required for all multifamily projects with more than 10 units and shall be provided according to the following standards:
  - a. Common open space shall be incorporated into the site plan as a primary design feature and not just as remnant pieces of land used as open space. The open space shall be centrally located and positioned within the viewshed of the nearest units, such that the residents can watch over the area.
  - b. Common open space shall be provided at a rate of 100 square feet of open space per dwelling unit. Required front, side, and rear setbacks shall not be counted toward meeting open space requirements.
  - c. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet.
  - d. Common open space may be comprised of the following: patios with picnic tables and BBQ area with shade structure(s), community gardens, swimming pools, natural open

space area with benches/viewing areas and/or trails, tot-lots/play structures, and sports courts (e.g. tennis, basketball, volleyball), and other active/passive recreation areas. These areas must be accessible to building residents and their visitors.

- e. Common open space shall not include driveways, pedestrian access to units from common pedestrian walkways, parking areas or required front, side or rear setback areas.
  - f. A minimum of 60% of the common open space shall be provided as a landscaped turf area or garden.
- 3.** Private open space is required for all multifamily projects seeking approval through the objective design standards process. Private open space is useable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of a dwelling unit (such as patios or balconies). The following requirements shall apply:
- a. Private open space areas at ground level, such as patios, shall have a minimum of 120 square feet of private outdoor space directly adjacent to the unit.
  - b. Private open space above ground level, such as balconies, shall have a minimum of 60 square feet of area with no dimension less than six feet.
  - c. Private outdoor space shall be delineated by a wall, fence, or hedge.
  - d. Accent elements shall be used to demarcate pedestrian entrances to a multi-family development and common open space areas on the interior of a project site. Accent elements shall include the following: trellises, arches, arbors, columns or low monument features.
- 4.** Parking and Garages
- a. To facilitate development of attached housing forms (such as townhouses), rear alleys may be used for accessing garages, off street parking, utilities and trash facilities.
  - b. All multi-family tenant parking spaces shall be covered. Guest spaces may be uncovered or covered.
  - c. Carports, detached garages, and accessory structures shall use similar materials, colors, and details equivalent to the principal buildings of a development.

#### **17.14.050 Landscaping and Lighting**

The following standards apply to the design of landscaping and lighting within the multi-family project.

##### **A. Landscaping**

- 1. Landscaping around the building perimeter is required.
- 2. Within the landscaped area between the right-of-way and buildings, trees shall be planted at a rate of one for each twenty feet of landscaped area. Trees shall be between four (4) and ten (10) feet from the back of the sidewalk. The landscaped area shall also include shrubs, ground covers and other natural growth or stormwater quality features and drainage treatments.
- 3. All planting areas, plant materials, and irrigation shall conform with the City's water-efficient landscaping regulations.
- 4. Native plants are encouraged.

**B. Parking lot landscaping.**

1. Parking areas, covered and uncovered, must be screened from view from public roadways with landscaping. Landscaped screening is defined as a natural or man-made feature which separates land uses. Landscape screening may be accomplished through the following: landscaping (groundcover, plantings, and trees), a planted earth berm (no greater than two feet in height), hedge, wall or some combination of the above.
2. A perimeter landscaped strip at least ten feet wide shall be provided for any parking area adjacent to a public street or to the side or rear property line. The perimeter landscaped strip may be located within a required setback area.
3. Trees shall be planted and maintained in all parking lots at a minimum ratio of one tree for every six parking spaces. Trees shall be evenly distributed throughout the entire parking area.

**C. Lighting**

1. All entryways, pathways, open spaces and parking lots shall be illuminated per 17.13.090 Lighting, Exterior.
2. High-efficiency, warm white light shall be used.
3. Lighting shall be shielded to reduce light pollution and arranged to reflect or direct light away from adjacent residential properties.

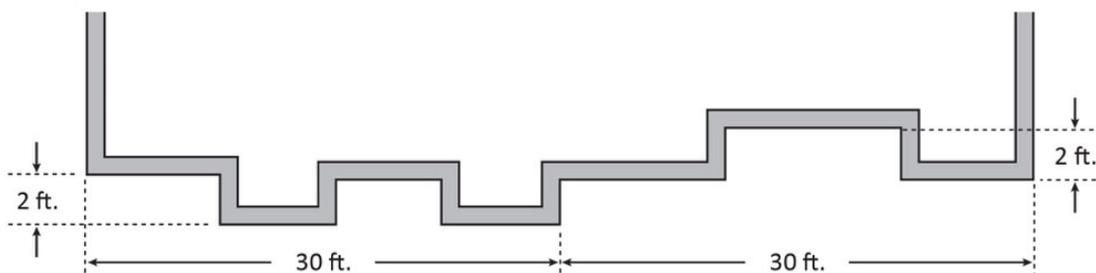
**17.14.060 Architectural Design**

The following standards apply to the architectural design of the multi-family project.

**A. Massing and Articulation**

1. A minimum two-foot offset is required for any wall plane that exceeds 30 feet in length.

**Figure 17.14.060-1 Façade Articulation.**



All street-facing facades shall have at least one horizontal or vertical projection or recess at least two feet in depth, for every 30 horizontal feet of wall. Building entrances and front porches may count towards meeting this requirement.

2. Buildings over two stories tall shall have massing breaks at least every 100 feet along any street frontage adjacent to a public park, publicly accessible outdoor space or designated open space. Breaks in massing may be provided through the use of varying setbacks, massing breaks and/or building entries. Massing breaks, or modulation of building facades, shall be a minimum of two

feet deep and four feet wide and extend the full height of the building. Building entrances and front porches may count towards meeting this requirement.

3. Variation of roof forms shall be used on buildings of over 50 feet in length along the street frontage and accomplished through the use of differences in roof height and/or form.
4. Varied roof form shall be used as appropriate to the architectural style, including but not limited to the following: hipped roofs, shed roofs, gabled roofs, varying pitches and roof dormers. Flat roofs shall also be appropriate behind parapet walls.
5. Design of rooflines with changes in ridgeline direction and configuration shall be used to ensure variation in rooflines between structures.
6. Upper stories shall not project beyond the ground floor footprint, except for bay windows or balconies.
7. A minimum of two architectural features shall be incorporated into each building, including: dormers, bay windows, enhanced individualized entries and/or accent materials.
8. Attached housing (such as townhouses) shall look like separate units by the use of clearly identified entries, style and design details and differing roof forms.
9. All primary entrances into residential buildings or individual units shall provide weather protection extending a minimum of four feet from the building façade and four feet in width.

**B. Façade Detailing and Materials**

1. While diversity of architecture is encouraged, each multi-family dwelling or building shall be designed with a single architectural style.
2. Where placement within the site allows, the front door to each unit shall be clearly visible from the adjacent street. The use of distinctive architectural elements and materials to denote prominent entrances is required.
3. Where the side façade at the end of a building is oriented to a street, driveway, or common open space area, massing and level of detailing of the side façade shall be consistent with the front façade. Articulation of the side façade may include windows, doors, and porches.
4. All building facades visible from the public right-of-way shall incorporate two or more of the following details: window recesses, cornices, changes in materials or other design elements. All building facades shall be designed with the same level of detailing and quality of materials.
5. A unified palette (color, texture, sheen) of materials shall be used on all sides of buildings. Every building shall have at least two complementary colors.
6. At least two materials shall be used on any building frontage, in addition to glazing and railings. One material must comprise at least 20% of the building facade.
7. Allowed materials shall include stone, brick, stucco, and painted wood clapboard. The following materials are prohibited: precision concrete block, T111 plywood, vinyl siding, and metal siding (architectural metal treatments may be considered).
8. Natural materials such as stone or river rock, slate, which are intended to be seen in their natural state shall not be painted.
9. Roofing materials shall consist of the following: dimensional composite shingles, clay tile, concrete, and standing seam metal. Wood shingles shall be prohibited.

### **17.14.070 Accessory Features**

The following standards apply to the design of accessory features within the multi-family project.

#### **A. Walls and Fences**

1. All wall and fence designs shall integrate materials and detailing that are used on the primary buildings (e.g. pilasters, stonework, wrought iron, or colors).
2. Walls shall be constructed of decorative masonry, including CMU walls, split-face walls, slump stone or material of similar appearance, maintenance, and structural durability. Precision concrete block is prohibited unless coated in stucco or a similar surface treatment.
3. Fences may be constructed of metal (wrought iron or tubular steel), wood, or vinyl. Chain link or similar fencing is prohibited.
4. Fences and walls located along the side or rear property lines which are not along street frontages shall be solid fences or walls. Open fences, which feature wrought iron/tubular steel, may be permitted to capture scenic views offered by a property line that adjoins a permanent open space area, and where the yard does not require screening.
5. Fencing between private yards and common open spaces shall be a minimum of six feet in height.
6. Where screening is necessary as part of the site design, block walls may be constructed within the front yard setback and along the street frontage, but must be decorative masonry, have a decorative cap, and feature a landscape setback.
7. Exterior trash, refuse storage, utility boxes, and electric and gas meters shall be screened from the public right of way with landscaping, fences, or walls.

#### **B. Refuse Containers**

1. Developments with four or fewer units may be designed so that units are provided with individual refuse containers. Refuse containers must be provided with a location to be stored which is out of view from pedestrian walkways and internal and external roadways.
2. In developments with five units or more, shared refuse containers shall be provided, which shall be located within an enclosure or building. The applicant shall provide the City with information from the refuse pickup provider verifying the size and number of dumpsters required by the projects.
3. Refuse enclosures shall be a minimum of six feet tall and an adequate size to accommodate the needed refuse and recycling containers.
4. Refuse enclosures and gates shall be designed and made with durable materials to withstand heavy use. Wheel stops or curbs shall be installed to prevent dumpsters from banging into walls of enclosure.
5. Refuse enclosures shall include a door to allow resident access without opening the gates.
6. Lighting shall be provided at refuse enclosures for night-time security and use.
7. Refuse enclosures shall be located so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit.
8. The entrance of refuse enclosures shall not be visible from public rights of way.

**C. Private Storage Space**

1. Each unit shall have at least 50 square feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

**D. Monument Signage**

1. One monument sign may be permitted on a site provided that the site has a minimum street frontage of 75 feet in length. On corner lots, one additional monument sign may be established provided that each street frontage is at 75 feet in length. Each monument sign shall be oriented to the street frontage on which it is erected.
2. All monument signs shall be architecturally compatible with the building(s) on the site on which the monument sign is to be located.
3. Monument signs shall meet all additional size and locational requirements found in Chapter 17.19.

## **Chapter 17.15 – Affordable Housing, Density Bonuses and Incentives**

### **Subsections:**

- 17.15.010 Purpose
- 17.15.020 Applicable Zones
- 17.15.030 Qualifications
- 17.15.040 Density Increase and Other Incentives
- 17.15.050 Application and Review
- 17.15.060 Density Bonus Agreement
- 17.15.070 Standards for Qualifying Units
- 17.15.080 Retention
- 17.15.090 Denial of Affordable Housing

### **17.15.010 Purpose**

This section is adopted in accordance with Government Code Sections 65915-65918 of the California Government Code, as may be amended. The purpose of this section is to establish a density increase and incentive program to provide both density increases and other incentives for owner-occupied and rental housing developments to encourage the creation of housing affordable to moderate, low and very low-income households, and to encourage the creation of housing for senior citizens. As used in this section, density bonus units are those units designated for senior citizens, or very low, low or moderate-income households that qualified the housing project for award of a density bonus or other incentives.

### **17.15.020 Applicable Zones**

This Chapter shall be applicable to all zones that allow residential uses.

### **17.15.030 Qualifications**

All proposed housing developments that qualify under California Government Code Sections 65915-65918 for a density increase and other incentives, and any qualified land transfer under California state law shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Sections 65915-65918, as may be amended.

### **17.15.040 Density Increases and Other Incentives**

The City of Irwindale shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Sections 65915-65918 and incentives or concessions also as described in the same Code.

### **17.15.050 Application and Review**

A developer seeking a density bonus, incentive or concession shall file an application with the department. The form and content of the application shall be as specified by the Community Development Director and shall be subject to a fee established by resolution of the city council. The department will process the

application concurrently with any other applications required for the housing development. The department will provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete, and will notify the applicant whether the application is complete in a manner consistent with the timelines in Government Code Section 65943.

#### **17.15.060 Density Bonus Agreement**

As a condition for the approval of a density bonus and additional incentive or incentives pursuant to this chapter, the applicant shall agree to enter into a density bonus agreement with the city in a form approved by the city attorney and consistent with the requirements of Government Code Section 65915 and other applicable state law. The city manager is authorized to execute the density bonus agreement on behalf of the city. The executed density bonus agreement shall be recorded on the parcel or parcels designated for the construction of qualifying units, or donated for the purpose of constructing qualifying units. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus agreement shall be binding upon all future owners and successors in interest.

#### **17.15.070 Standards for Qualifying Units**

All qualifying units shall meet the following requirements:

- A.** Concurrency. Qualifying units shall be built concurrently with all other units in the development unless the city and the applicant agree in writing to an alternative schedule for development.
- B.** Location. Qualifying units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
- C.** Unit Size. Where feasible, the number of bedrooms of the qualifying units shall be equivalent to the bedroom mix of the other units in the development, except that the developer may include a higher proportion of qualifying units with more bedrooms.
- D.** Design. The design and appearance of the qualifying units shall match the design of the housing development as a whole.
- E.** Linked Sites. Circumstances may arise in which the public interest would be served by allowing some or all of the qualifying units associated with one housing development to be produced and operated at an alternative development site. If the developer and the city agree in writing to allow the production and operation of qualifying units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this chapter.

#### **17.15.080 Retention**

Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the City of Irwindale and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

### **17.15.090 Denial of Affordable Housing Projects**

- A. Denial.** If at least 20 percent of a housing development's units are sold or rented to low income households, and the balance of the units are sold or rented to either low or moderate income households, it shall not be denied or conditioned in a manner which renders the project infeasible for development for the use of low and moderate income households unless the decision making body finds, based upon substantial evidence, one of the following, pursuant to California Government Code Section 65589.5:
1. The project is not needed for the City of Irwindale to meet its share of the regional need of low and/or moderate-income housing as outlined in the adopted Housing Element to the General Plan; or
  2. The project as proposed would have a specific, adverse impact upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low and/or moderate-income households; or
  3. Denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the project unaffordable to low and/or moderate-income households; or
  4. Approval of the project would increase the concentration of low-income households in a neighborhood that already has a disproportionately high number of low-income households and there is no feasible method of approving the development at a different site, including sites identified in the adopted Housing Element, without rendering the development unaffordable to low and/or moderate- income households; or
  5. The project is proposed on land zoned for resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project; or
  6. The project is inconsistent with the land use designation as outlined in the adopted Irwindale General Plan or in any General Plan element as it existed on the date the application for the project was deemed complete.

## Chapter 17.16 Parking and Loading Standards

Subsections:

17.16.010 Purpose

17.16.020 Applicability

17.16.030 General Provisions

17.16.040 Required Automobile Parking Spaces

17.16.050 Parking Reductions

17.16.060 Bicycle Parking

17.16.070 Parking Area Design Standards (Parking Design Criteria)

17.16.080 Loading

### 17.16.010 Purpose

A. The purposes of this Chapter are to:

1. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
2. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts within parking lots and, where appropriate, create buffers from surrounding land uses;
3. Minimize the amount of area devoted to parking by allowing reductions in the number of required spaces (in close proximity to the Irwindale Metro L Line station), shared parking facilities, and other situations expected to have lower vehicle parking demand;
4. Ensure the provision of adequate off-street bicycle parking;
5. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;

### 17.16.020 Applicability

A. New Buildings and Land Uses. On-site parking and loading shall be provided in accordance with this Chapter at the time any main building or structure is constructed or any new land use is established.

B. Existing Non-Residential Buildings.

1. When a change in use, expansion of use, or expansion of floor area creates an increase of 30 percent or more in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use when that change would result in more than 10 new parking spaces being required.
2. Existing parking and loading not in excess of the minimum requirements shall be maintained. Parking and loading in excess of minimum requirements may be removed.
3. A change in ownership or tenancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
4. If the number of existing parking and loading spaces is greater than the requirements for a proposed use, the number of excess parking spaces may be counted toward meeting the requirements for any change, expansion, or major alteration.

- C. Existing Residential Structures. Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing residential building or construction of an additional structure or structures.
- D. When Constructed. Parking and loading facilities required by this Chapter shall be constructed or installed prior to final inspection or the issuance of a Certificate of Occupancy for the uses that they serve.

#### **17.16.030 General Provisions**

- A. Existing Parking and Loading to be Maintained. No existing parking and loading area serving any use may be reduced in amount or changed in design or location below the requirements for such use, unless equivalent substitute facilities are provided.
- B. Nonconforming Parking and Loading. An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, if facilities used for parking and/or loading as of the date of adoption of this Title are not reduced in number to less than what this Chapter requires.
- C. Accessibility. Parking and loading areas shall be accessible for its intended purpose during all hours of operation.
- D. Assigned Parking. Lots developed with multiple uses and a shared parking area shall not assign parking spaces to individual tenant spaces or uses.
- E. Compact Parking. The maximum percentage of allowed compact parking shall not exceed 25% of the required parking for commercial and industrial uses. No compact parking are allowed for multi-family residential uses unless assigned to specific residents and not to exceed 25% of the required residential parking.

#### **17.16.040 Required Automobile Parking Spaces**

Each land use is subject to the following minimum and maximum parking space requirements, unless otherwise provided in another chapter or section of Title 17.

- A. Minimum Number of Spaces Required. Each land use shall provide at least the number of parking spaces stated in Table 17.16.040 below, Required Number of Parking Spaces. The parking requirement for any use not listed in Table 17.16.040 shall be determined by the Community Development Director based upon the requirements for the most similar comparable use, the characteristics of the proposed use, and any other relevant data regarding parking demand.

**Table 17.16.040 Required Number of Parking Spaces**

Land Use Classifications	Required Number of Spaces
<b>Residential Use Classifications</b>	<b>As specified below</b>
Single-Family (Detached and Attached) and Duplex Residential Dwellings	2 enclosed spaces per dwelling unit (up to four bedrooms). 0.5 additional spaces for every bedroom over five. 2 uncovered parking spaces per unit.
Accessory Dwelling Unit	Refer to Section 17.12.030
Apartments	1 covered space per studio or one-bedroom unit; 2 covered spaces per two-bedroom unit; 2.5 covered spaces per unit with three or more bedrooms Plus 1 guest space per every 10 units (covered or uncovered). For units subject to an affordable housing agreement, the number of required parking spaces shall be reduced by 25%.
Condos and townhouses	1 enclosed space per studio or one-bedroom unit; 2 enclosed spaces per two-bedroom unit; 2.5 enclosed spaces per unit with three or more bedrooms Plus 1 guest space per every 10 units (covered or uncovered). For units subject to an affordable housing agreement, the number of required parking spaces shall be reduced by 25%.
Caretaker Unit	1 per unit
Group Residential	1 per employee, plus 1 per bedroom or 1 per every two beds, whichever is greater
<b>Residential Care Facilities</b>	
<i>Small</i>	None beyond the parking required for the residential housing type.
<i>Large</i>	1 per every 3 beds

<b>Table 17.16.040 Required Number of Parking Spaces</b>	
<b>Land Use Classifications</b>	<b>Required Number of Spaces</b>
Residential Facility, Assisted Living	1 per every 3 beds
Single-Room Occupancy	0.5 per unit
Supportive Housing	None beyond the parking required for the residential housing type.
Transitional Housing	None beyond the parking required for the residential housing type.
<b>Public and Semi-Public Use Classifications</b>	1 per 400 square feet of floor area, except as specified below:
Assembly/Meeting Facilities	1 per 5 fixed seats or 1 per 100 sq. Ft. of floor area used for assembly and not containing fixed seats. Thirty linear inches of bench area shall be considered a fixed seat.
Colleges	1 per 3 day-time students, plus 1 per employee
Elementary and Intermediate Schools (K-8)	2 per classroom plus 1 per 350 sq. Ft. of office/administrative area
Health/Fitness Facilities	1 space per 250 sq. Ft. of floor area
High Schools	6 per classroom plus 1 per 350 sq. Ft. of office/administrative area
Park and Recreation Facilities	To be determined by the City Engineer based on use, facilities, and proximity.
Places of Religious Assembly	1 per 5 fixed seats or 1 per 100 sq. Ft. of floor area used for assembly and not containing fixed seats. Thirty linear inches of bench area shall be considered a fixed seat. Additional parking shall be provided for each approved ancillary use such as day schools and day care.
Skilled Nursing Facilities	1 per every 3 beds
Trade schools	1 per 5 students, 1 per 3 employees
<b>Commercial and Office Use Classifications</b>	
Animal Care, Sales, and Services	1 per 300 sq. Ft. of floor area
Animal Boarding/Kennels	1 per employee, plus a loading/unloading area for animals
Banks and financial institutions	1 per 300 sq. Ft. of floor area
Cinema/Theaters	1 per 40 sq. Ft. of seating area
Government Offices	Determined by parking study
Indoor Recreation/Gyms	1 per 250 sq. Ft.

<b>Table 17.16.040 Required Number of Parking Spaces</b>	
<b>Land Use Classifications</b>	<b>Required Number of Spaces</b>
Library	1 per 250 sq. Ft.
Outdoor Entertainment and Outdoor Recreation	1 per 1,000 sq. Ft. of lot area
Eating and Drinking Establishments	1 per 300 sq. Ft. of floor area
Hotels and Motels	1 per guest room
Medical and Dentist Offices	1 per 200 sq. Ft.
Hospitals	2 spaces per bed
Nurseries and Garden Center	1 per 750 sq. Ft. of floor area and site area
Professional Offices	1 per 300 sq. Ft. of floor area
Retail Sales	1 per 300 sq. Ft. of floor area
Building Materials, Sales and Services	1 per 750 sq. Ft. of floor area
<b>Industrial Use Classifications</b>	
Manufacturing and General Industrial	One space per 500 sq. Ft. of gross floor area for projects up to 10,000 sq. Ft. One space per 1,000 sq. Ft. of gross floor area for projects over 10,000 sq. ft.
Office area within a manufacturing or industrial building	Parking per the standard for "All professional offices"
Indoor Warehousing, Storage, and Wholesaling and Distribution	One space per 2,000 sq. Ft. of warehouse space, plus parking for office per the standard for "All professional offices"
Outdoor Storage	1 per 10,000 sq. Ft. of lot area
Personal Storage (mini-storage)	One space per 50 units or spaces, plus two spaces for the manager's unit.
Transportation, Communication, and Utility Uses	1 per 400 sq. Ft. of office

1. Calculation of Required Spaces- Parking Ratios.

- i. Floor Area. Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
- ii. Employees. Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
- iii. Bedrooms. Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the

Building Code as a sleeping room shall be counted as a bedroom.

- iv. Students. Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state certification is required.
  - v. Sites with Multiple Uses. If more than one use is located on a site, the number of required parking and loading spaces shall be equal to the sum of the requirements calculated separately for each use, unless a reduction is approved pursuant to Section 17.16.050, Parking Reductions.
- B. Maximum Number of Spaces Allowed.** To support walking, transit, and other forms of non-automobile transportation in urban infill areas and to eliminate the incentive to build as much parking as possible, the number of parking spaces to be provided is limited. This limitation may be waived or modified pursuant to Chapter 17.31, Minor Variances, based on the following findings:
- 1. Special conditions exist that will increase parking demand at the site. Conditions include but are not limited to, the nature of the proposed operation; lack of transit service or other transportation alternatives; or transportation characteristics of persons residing, working, or visiting the site;
  - 2. The use will not be adequately served by the maximum allowed number of parking spaces, and;
  - 3. Parking demand generated by the project will exceed the maximum allowed number of parking spaces and have a significant impact on the supply of on-street parking in the surrounding area.

For properties within one-half mile of the Irwindale Metro transit station, parking requirements for residential, commercial, and other development projects are waived per State Law AB-2097.

### **17.16.050 Parking Reductions**

#### **A. Sites with Multiple Uses**

Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced by 25 percent with Community Development Director approval if the below findings are made. To evaluate a proposed project's compliance with the criteria below, submittal of a parking demand study that substantiates the basis for granting a reduced number of parking spaces may be required.

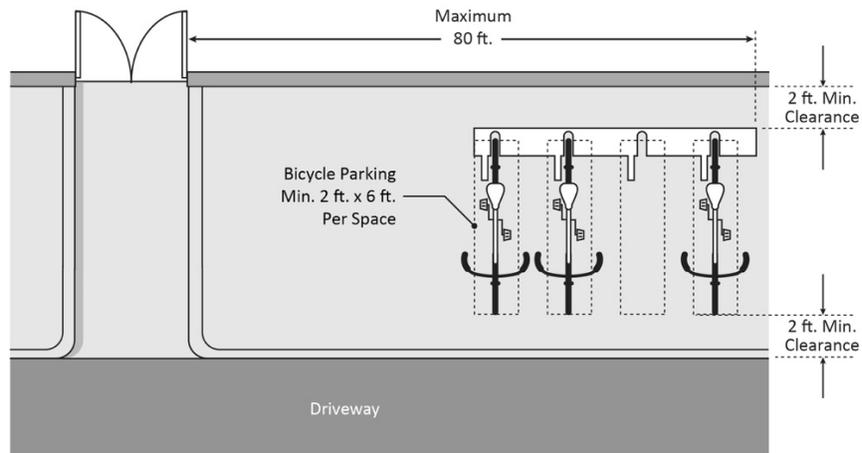
- 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
  - 2. The proposed shared parking provided will be adequate to serve each use;
  - 3. Parking spaces in the shared parking facility will not be reserved for individual tenants, owners or their visitors without approval of an overall parking management plan; and
  - 4. A shared parking agreement will be recorded.
- B. Request for Reduction of Parking.** Required parking for any use may be reduced through approval of a Minor Use Permit as follows:

1. **Criteria for Approval.** A Minor Use Permit for a parking reduction may be approved if the Community Development Director finds that special conditions exist that will reduce parking demand at the site. Conditions include but are not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program.
2. **Parking Demand Study.** To evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a parking reduction may be required.

#### **17.16.060 Bicycle Parking**

- A. **Short-Term Bicycle Parking.** Short-term secure bicycle parking shall be provided to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time.
  1. **Parking Spaces Required.** For the following uses, the number of short-term secure bicycle parking spaces shall be at least five percent of the requirements in Section 17.31.020, Required Parking Spaces, with a minimum of four secure bicycle parking spaces provided per establishment.
    - a. Multi-Family Residential, Group Residential and Single Room Occupancy.
    - b. All Public/Semi-Public Uses.
    - c. All Commercial Uses, except Automobile/Vehicle Sales and Services, Short-term Rentals and Mobile Vendors.
  2. **Location.**
    - a. Short-term secure bicycle parking shall be located outside of pedestrian walkways, and within 80 feet of a main entrance to the building it serves.
    - b. Short-term secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.
    - c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.
  3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
  4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

**Figure 17.16.060-1 Bicycle Parking.**



- B. Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters and others who generally stay at a site for four hours or longer.
- 1. Parking Spaces Required.**
    - a. Multi-Family Residential, Group Residential, and Single-Room Occupancy.** A minimum of one long-term bicycle parking space shall be provided per every five dwelling units.
    - b. Parking Structures.** Long-term bicycle parking shall be provided at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.
    - c. Other Uses.** Any establishment with 25 or more full-time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.
  - 2. Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
  - 3. Covered Spaces.** 100 percent of required long-term bicycle parking for multi-unit residential development shall be covered. A minimum of 50 percent of long-term bicycle parking required for other land uses shall be covered. Covered bicycle parking can be provided inside buildings, garages, bike lockers, or under roof overhangs, or awnings.
  - 4. Anchoring and Security.** Long-term bicycle parking must be in:
    - a.** An enclosed bicycle locker;
    - b.** A fenced, covered, locked, or guarded bicycle storage area;
    - c.** A rack or stand inside a building that is within view of an attendant or security guard, visible from employee work areas, or within a secure/restricted bicycle storage room; or
    - d.** Other secure areas approved by the Community Development Director.

5. **Size and Accessibility.** Each long-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

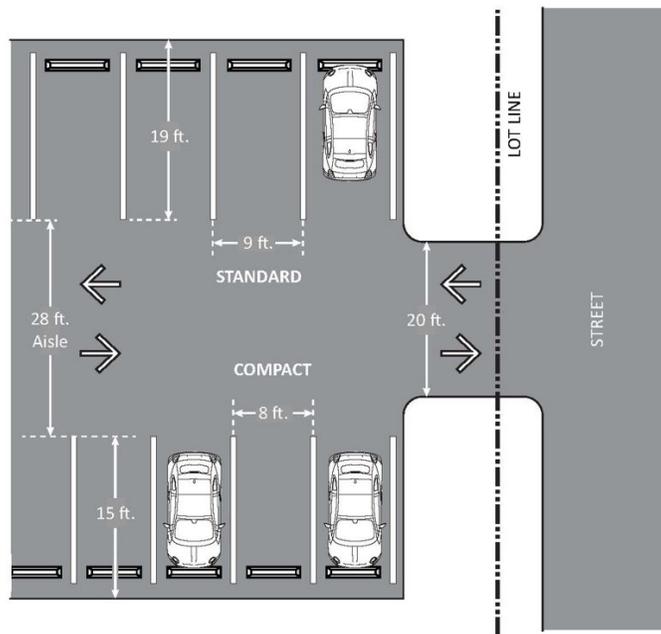
#### **17.16.070 Parking Area Design Standards**

All parking areas except those used exclusively for stacked or valet parking shall be designed and developed consistent with the following standards.

- A. Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.
  1. No more than two vehicles shall be placed one behind the other.
  2. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.
  3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
  4. Tandem parking to meet required parking for multi-unit residential development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
  5. Tandem parking shall not be used to meet the guest parking requirement.
- B. Parking Access**
  1. **Shared Access.** Non-residential projects are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Community Development Director shall be recorded in the LA County's Records Office, in a form satisfactory to the City Attorney.
  2. **Forward Entry.** Parking facilities of four or more spaces shall be provided with suitable maneuvering room so that all vehicles accessing the facility may enter an abutting street in a forward direction.
  3. **Driveway Length.** Driveways providing direct access from a public street to a parking facility, garage, or carport shall be at least 20 feet in depth.
  4. **Driveway Width.** The minimum width of a driveway is as follows:
    - a. **One-way Driveways.** One-way driveways shall be a minimum of 10 feet in width.
    - b. **Two-way Driveways.** Two-way driveways shall be a minimum of 20 feet in width.
- C. Size and Dimensions of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum size and dimensions established in Table 17.16.070-1, Parking Space Minimum Dimensions. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

Table 17.16.070-1 Parking Space Minimum Dimensions		
Type of Parking Space	Width (feet)	Length (feet)
Standard	9	19
Compact	8	15
Parallel	10	24
Truck trailers	10	53
ADA Accessible	Compliant with the California Building Code	

Figure 17.16.070-1 Parking Space Dimension.

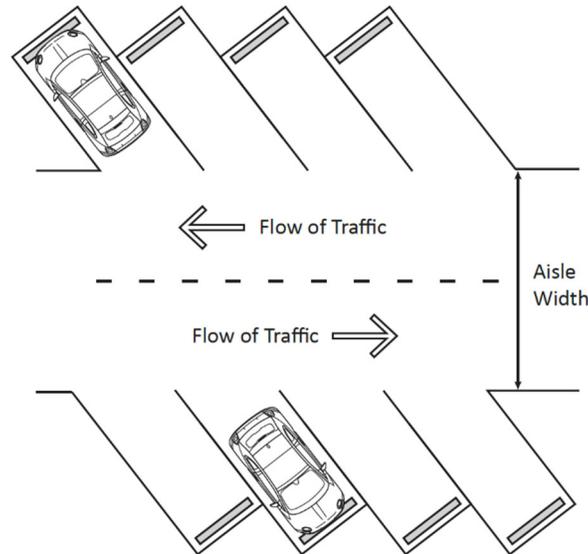


Maneuvering aisles shall meet the minimum size and dimensions established in Table 17.16.070-1, Aisle Dimensions for Maneuvering Vehicles.

Table 17.16.070-2 Aisle Dimensions for Maneuvering of Vehicles		
Angle of Parking	Width (feet)	
	One-Way	Two-Way
Parallel	12	26
0-30 Degrees	12	26
31-45 Degrees	14	26
46-60 Degrees	16	26

61-90 Degrees	25	26
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**Figure 17.16.070-2: Aisle Dimensions**



**D. Electric Vehicle Parking.**

**1. Applicability.**

The California Green Building Standards Code (CALGreen) requires that new construction and major alterations include adding “EV Capable” parking spaces which have electrical panel capacity, a dedicated branch circuit and a raceway to the EV parking spot to support future installation of charging stations. All new construction and qualifying additions or alterations must comply with CALGreen, Title 24, Part 11.

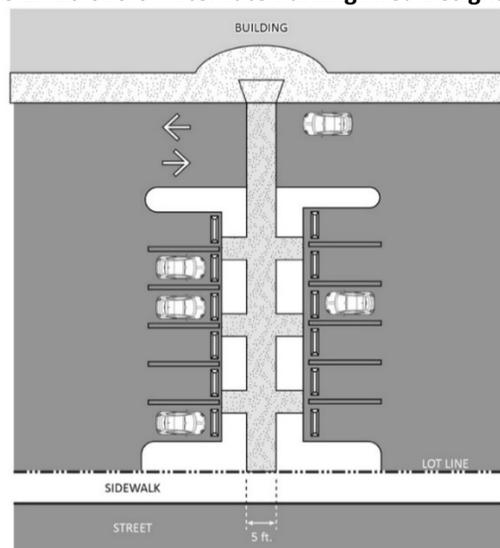
**2. Parking Requirements and Location of Electric Vehicle Spaces.**

- a. As part of the Conditional Use Permit process, the City shall require that parking facilities be provided to accommodate electric or other alternative fuel vehicles.
- b. The location of the electrical outlets shall be specified on building plans, and proper installation shall be verified by the Building Division prior to issuance of a Certificate of Occupancy.
- c. Electric vehicle ready charging infrastructure shall be provided in multi-family housing developments and non-residential developments according to the standards outlined by CALGreen.
- d. Electric vehicle charging stations may be provided in any area designed for the parking or loading of vehicles.
- e. Where electric vehicle recharging stations are provided, they shall follow the space requirements and development standards outlined in CALGreen.
- f. Parking spaces with electric vehicle charging shall be counted as a standard parking space for the purposes of providing required parking per this Code.

3. Exemptions
  - a. Electric vehicle charging stations shall not apply to temporary parking lots.
  - b. Other exemptions may be granted by the Community Development Director, where the Community Development Director determines that compliance with the requirements of this Section is technically infeasible.
- E. Striping and Marking.
  1. Space Outline. All parking spaces shall be clearly outlined with single striping three inches in width, in durable white paint designed for that purpose.
  2. Maneuvering Areas. All aisles, approach lanes and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe movement.
  3. Compact Spaces. All compact spaces shall be clearly marked as such.
- F. Bumpers, Curbs and Wheel Stops. A permanent curb, bumper, wheel stop, or similar device at least six inches high and thick shall be installed to protect buildings and landscaping from vehicular damage. If such protection is provided by a wheel stop, the stopping edge shall be placed no closer than two feet from the edges of the required sidewalks, planter or landscaped areas and from any building. The two feet beyond the wheel stop may be paved or landscaped with ground cover. No walkway used for a wheel stop may be less than seven feet wide.
- G. Paving and Surfacing. All parking spaces, driveways, maneuvering aisles, and other areas dedicated to parking shall be surfaced with a concrete, asphalt, masonry, turfstones, or another comparable durable and dustless surface, in accordance with Public Works/Engineering Department specifications. All parking areas shall be graded and drained as to dispose of all surface water accumulated within the area. Site-specific pavement designs for alternative durable and dustless surfaces may be submitted to the Public Works/Engineering Department for review.
- H. Perimeter Curbing. Parking areas designed to accommodate 10 or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- I. Heat Island Reduction. A heat island is the increase in ambient temperature that occurs over large, paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light-colored materials with a solar reflectance index of at least 29, or a combination of shading and light-colored materials.
  1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanisms. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
  2. Trees shall be selected from a list provided by the Community Development Department.
- J. Lighting. Parking lot lighting shall be required for areas designed to accommodate five or more vehicles, providing a minimum of one-half foot-candle and a maximum of three foot-candles of light during the hours of use from one-half hour before dusk until one-half hour after dawn.
  1. All lighting used to illuminate an off-street parking or loading area shall be designed to direct light and glare away from any adjoining lots, residential areas, and public streets.
  2. Lighting design shall be coordinated with the landscape plan to ensure that vegetation will not substantially impair the intended illumination.
  3. Bi-level lighting shall be employed where feasible and desirable.

- K.** Landscaping. Parking areas shall be landscaped in accordance with applicable Specific Plans or City of Irwindale Commercial and Industrial Design Guidelines.
- L.** Circulation and Safety.
- 1.** Visibility. Visibility shall be ensured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
  - 2.** Public Service Vehicles. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements.
  - 3.** Pedestrian Circulation. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
    - a.** Connection to Public Sidewalk. An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
    - b.** Materials and Width. Walkways shall provide at least five feet of unobstructed width and consist of a hard surface.
    - c.** Identification. Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces using elevation changes, different paving and surfacing materials, and other methods.
    - d.** Separation. Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barriers.

**Figure 17.16.070-3: Alternate Parking Area Designs**



- M. Alternative Parking Area Designs.** Applicants may submit alternative parking area designs to the appropriate review authority if they can demonstrate that variations in the requirements of this Section are warranted to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED Green Building Rating System or equivalent, an alternative parking area design may be approved.
- N. Maintenance.** Parking lots, including landscaped areas (irrigation and plant materials), driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall always be kept in good repair.

#### **17.16.080 Loading**

All uses requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas to handle the volume of truck traffic and loading requirements.

- A. Residential Uses.** Residential uses with 10 or more units on a site shall provide a minimum of one passenger loading/unloading space near each common entrance. The Community Development Director may approve a Modification to this requirement pursuant to Chapter 17.31, Applicability, if the Community Development Director finds that adequate loading space exists due to characteristics of the project site and nature of the use.
- B. Commercial and Industrial Buildings.**
  - 1. Number of Loading Spaces Required.** At a minimum, one loading space shall be provided for all commercial and industrial buildings in excess of 10,000 square feet plus one additional space for every additional 20,000 square feet of floor area.
    - a. Multi-Tenant Buildings.** The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided with a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
    - b. Reduction to Number of Loading Spaces Required.** The Community Development Director may waive the loading space upon finding that the applicant has satisfactorily demonstrated that, due to the specific nature of the use and building, such loading space will not be necessary.
    - c. Additional Loading Spaces Required.** Additional loading spaces may be required to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirements shall be based on the anticipated frequency of truck deliveries.
  - 2. Location.** Loading zones and docks shall be located to the rear of properties and no truck entrance door, loading zone, or dock-serving commercial vehicles shall be permitted to face a residential area within 500 feet as measured to the nearest residential property line.
    - a. Exceptions.** The location requirement may be modified or waived where the review authority finds that:
      - i.** The intended use of the property or the location of or shape of the site and/or existing development warrant a Zone Variance,

- ii. That street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, or difference in grade in such a way as to minimize visual and noise impacts, and
  - iii. There are specific features of the site and design of the building such that strict application of the orientation requirement is impractical.
- 3. Size and Dimensions. Each on-site loading space required by this Section shall not be less than 10 feet wide, 35 feet long, and 14 feet high. The minimum size requirement may be modified if the Community Development Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.
- 4. Screening. All loading zones and truck parking areas shall be screened from view by a minimum of an eight-foot tall hedge, vine-covered fence, or wall and landscaping in accordance with the City's Commercial and Industrial Design Guidelines. Screen walls shall be designed with comparable building materials to the primary structure on the property excluding corrugated metal.

## Chapter 17.17 Landscaping

Subsections:

- 17.17.010 Purpose
- 17.17.020 Applicability
- 17.17.030 General Requirements
- 17.17.040 Screening
- 17.17.050 Parking Area Landscaping
- 17.17.060 Maintenance of Landscaping

### 17.17.010 Purpose

A. The purpose of this Chapter is to establish landscaping that does the following:

1. Improve the appearance of the community by requiring permanently maintained landscaping;
2. Soften the appearance of parking lots and other development and minimize or eliminate conflicts between potentially incompatible uses through landscaping;
3. Aid in energy conservation by providing shade from the sun and shelter from the wind;
4. Promote conservation and efficient use of water.

### 17.17.020 Applicability

These standards shall apply to all new development and improvement of existing uses in the City, including any construction, expansion or improvement on private property which requires the issuance of a building permit or other approval by the City, except business licenses. This Chapter shall not apply to single-family developments of four or fewer units/lots or properties zoned OS (Open Space).

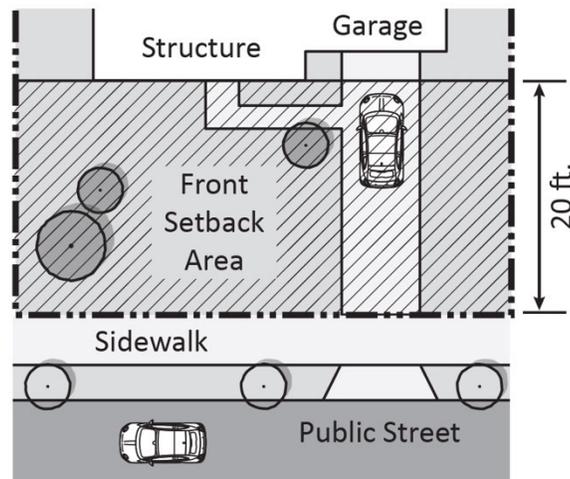
- A. New Projects. All new projects shall provide landscaping in compliance with this Chapter.
- B. Nonconforming Landscaping. Landscaping that is not consistent with this Chapter shall comply with Section 17.18.050 (Nonconforming Site Improvements).
- C. Timing of Installation. Required landscape and irrigation improvements shall be installed prior to the issuance of a Certificate of Occupancy by the Building Official unless specified otherwise in the project's Conditions of Approval.
- D. Alternatives to Standards. The Review Authority may modify the standards of this Chapter to accommodate alternatives to required landscape materials or methods, where the Review Authority determines that the proposed alternative will be equally or more effective in achieving the purpose of this Chapter and such determination is documented in writing.
- E. Water Efficient Landscape and Irrigation Standards. All landscaping and irrigation shall comply with Irwindale Municipal Code Chapter 15.30 (Landscape Water Use Standards).

### 17.17.030 General Requirements

- A. Landscape Plan Requirements. A landscape plan is required for projects in all zones unless exempted by Irwindale Municipal Code Chapter 15.30, Water Efficient Landscape Standards and Guidelines.
  1. Landscape Design Plan. A Landscape Design Plan shall be submitted for projects requiring a planning permit or approval consistent with Chapter 17.25, Common Procedures. As

applicable the Landscape Design Plan requirement may be combined with the Landscape Documentation Package as required in Irwindale Municipal Code Section 15.30.050 (Implementation Procedures). If no planning permit or approval is required, a Landscape Design Plan shall be submitted in compliance with Subsection A.2, below. The Landscaping Plan shall be submitted under one application consistent with the provisions of this Code.

- a. The first sheet of a multiple sheet set shall contain a title block with the name and address of the project, sheet number, and numbers of sheets and a revision block to indicate date and type of revisions;
  - b. Each sheet shall show the required technical data, including scale of drawing, north arrow, date drawn, and dates of revisions (if applicable), all property lines and project limits, if other than property limits, all easements, fences, walls, curbs, roads, walks, structures, mounds, swales, manholes, banks, and all plant and landscaping materials, grading, irrigation and other exterior elements proposed. A legend shall also be included for each symbol used.
2. **Vegetation Management Plan.** Projects that include common areas that are, or are proposed to be, landscaped or open space areas shall submit a vegetation management plan subject to the review and approval of the Community Development Director.
- A. **Landscaping Materials.** Landscaping shall be a combination of California natives, drought tolerant ground cover, shrubs, and trees designed in compliance with Irwindale Municipal Code Chapter 15.30 (Efficient Landscape Standards and Guidelines). Hardscape material may be integrated into the required landscaping for residential zones in compliance with this Chapter.
  - B. **Minimum Landscape Coverage.** All projects shall meet the minimum landscape coverage of 10 percent unless otherwise directed by this Chapter. The landscape coverage calculation may include the area(s) required for buffers and screening in compliance with Section 17.17.040 (Screening).
    1. **Exceptions.** The minimum landscape coverage requirements may be reduced by the Community Development Director under a Minor Variance process as follows:
      - a. In commercial and industrial zones if the following findings are made: (1) It is impractical or infeasible to meet the minimum standards; (2) The proposed landscaping is in compliance with the purpose of this Chapter; and (3) There is ample landscaping along the public street frontage(s).
      - b. In residential zones for non-residential uses (e.g., community assembly uses) if a finding is made that the proposed landscaping is in compliance with the purpose of this Chapter.
  - C. **Landscape Requirements for Residential Zones**
    1. **R-1 and R-2 Zone.**
      - a. Hardscape materials, inclusive of driveways and pedestrian walkways, but not including artificial turf, shall not cover more than 40 percent of the front setback.
      - b. Setbacks and setback areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
      - c. For irregularly shaped parcels, the Community Development Director may allow up to a 20% increase in the hardscape area for lots that lack sufficient area for adequate driveway and pedestrian access due to topography or other site conditions.

**Figure 17.17.030-1 Front Setback: Landscaping Required.**

**2. R-3 Zone.**

- a. At least 60 percent of the required front setback shall be landscaped with lawn, trees, shrubs or other plant materials. Specific landscaping plans shall be reviewed in accordance with Chapter 17.27 (Site Plan and Design Review).

**D. Landscape Requirements for Commercial and Industrial Zones**

- 1. Required Areas.** All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.
- 2. Landscape Coverage Requirement.** Shrubs, groundcover and other plant material shall cover all areas not occupied by structures, parking areas, storage, trash enclosures, driveways and sidewalks at the time of issuance of a Certificate of Occupancy. Embellished pavement, fountains and similar hardscape materials may, in part, be substituted for the required landscaping through the Site Plan and Design Review process.
- 3. Parkway-Adjacent Planting and Maintenance.** Parkway located between the sidewalk and the edge of development shall meet the following requirements:
  - a. The ground surface shall contain shrubs, mulch, or ground cover to provide coverage within two years.
  - b. If a wall or fence separates the development from the street, planting vines or espalier shrubs shall be incorporated into the planting design.
- 4. Required Landscaping for Loading Areas.** Loading areas shall incorporate landscaping to provide screening if visible from the public right-of-way, adjacent uses and pedestrians.
- 5. Special Requirements for Drive-through Businesses:**
  - a. Five-foot-wide raised planters a maximum of four feet in height shall be located along the street side property line, except for curb cut openings.
  - b. Three-foot-wide raised planters shall be located along the walls of the interior property lines to a distance equal to the front building line. For this purpose, canopies and other such structural appurtenances shall not be considered the front building line.

- c. A minimum of 150 square feet of raised planting area shall be located at the intersection of two property lines at a street corner.
- d. A minimum of 30 square feet of raised planting area shall be located along the building facades fronting on the street.
- e. All planting areas shall be separated from adjacent asphaltic concrete paving by six-inch minimum curb walls.

E. Trees

- 1. All trees planted along a street frontage shall be of a minimum 15-gallon size or six feet tall and have a one-inch caliper size at chest height, whichever is greater.
- 2. All other trees planted in required landscaped areas shall be a minimum of five-gallon size or three feet tall and have a one-inch caliper size at chest height, whichever is greater, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect.
- 3. Along any non-residential interior or rear property line abutting residential uses, trees shall be planted a minimum of every 10 feet.
- 4. Trees planted under power lines shall not exceed a 24-foot maximum height at maturity.

F. **Artificial Material.** Artificial shrubs shall not be allowed. Artificial turf may be installed, provided it has a permeable base approved by the Public Works Department and does not front Irwindale Avenue or Arrow Highway or would be located in the public right-of-way or parkway.

G. **Dust and Soil Protection.** All unpaved areas proposed for development shall be landscape with ground cover and/or shrub plant material. Any disturbed areas shall be temporarily seeded and irrigated for dust and soil control.

**17.17.040 Screening**

- A. Purpose and Applicability. The requirements of this Section apply to all screening, fences, and walls for the conservation and protection of property, the enhancement of privacy, and the improvement of the visual environment. Standards for screening in parking and loading areas can be found in Section 17.17.050 (Parking Area Landscaping).
- B. Required Screening. Screening shall be installed and maintained in the locations identified in Table 17.17.040-1 (Required Screening).

Table 17.17.040-1 Required Screening	
Land Uses/Zones	Location
Civic, commercial and industrial uses	Along all boundaries other than streets and where the site abuts residential uses.
Commercial and industrial uses adjacent to residential uses and residential zones	Surrounding storage or loading areas and along perimeter of open off-street parking adjacent to residential uses or zones.

<b>Table 17.17.040-1 Required Screening</b>	
<b>Land Uses/Zones</b>	<b>Location</b>
New construction adjoining residential uses	Along all property lines where new construction adjoins residential use (a masonry wall shall be used for screening).
Non-residential and multi-family uses in or adjacent to single-family residential uses or zones	Along all property lines abutting single-family residences or zones.
All properties, regardless of zone or use	Surrounding all mechanical equipment, meter boxes and utility transformers, in compliance with Section 17.13.140.

- C. Required Screening Types. Required screening may consist of one or more of the following screening types identified in Table 17.17.040-2 (Required Screening Types). Alternative screening types may be approved if the Review Authority finds that it achieves the intent and objectives of this Code.

<b>Table 17.17.040-2 Required Screening Types</b>	
<b>Types</b>	<b>Location</b>
Walls	A wall shall consist of concrete, stone, brick or similar type of solid masonry material a minimum of 6 inches thick.
Berms	A berm shall be constructed of earthen materials and it shall be landscaped.
Open Fence	An open fence shall be constructed of wood, welded wire, chain link, tubular steel or wrought iron. Chain link may only be used along sides behind the required front setback and along the rear.
Solid Fence	A solid fence shall be constructed of wood, masonry, welded wire, or chain link type fence combined with plant materials, wood slates or other material approved by the Community Development Director to form an opaque screen.
Planting	Plant materials, when used as a visual screen shall consist of compact evergreen plants a minimum of 5 gallon in size planted in a minimum 3 feet wide planting strip.
Trees	Trees, when used as a visual screen, shall be a minimum of 5 gallon in size when planted. Planting shall be one tree for each 30 linear feet of the combined length of the rear and both sidewall dimensions of the structure or area intended to be screened.

**D. Height.**

1. Screening heights. Screening, except for plant material and trees, shall comply with the height limits established in Table 17.17.040-3 below (Screening Heights). All fences, walls and berms shall comply with Section 17.13.170 (Visibility at Intersections).

<b>Table 17.17.040-3 Screening Heights</b>		
<b>Location of Screening</b>	<b>Min. Height</b>	<b>Max. Height</b>
Within front setback	N/A	4 feet
Within street side setback		
Side and rear lot line in a Commercial Zone that adjoins a residential zone	6 feet	8 feet
Industrial zone lot line that is adjacent to a residential zone	6 feet	8 feet
All other locations	N/A	8 feet

**2. Height measurement.**

- a. All screening height shall be measured as the vertical distance between the top of finished grade or highest elevation at the base of the screening and the top edge of the screening material.
- b. An earthen berm or mound not taller than two feet may count toward required height of landscaping and screening.
- c. The portion of any screening functioning as a structural retaining wall shall not be counted in determining overall screening height.

**E. Reduction of Required Screening or Screening Design Standards.** The Review Authority may approve an adjustment to the requirements of this Section in compliance with Chapter 17.31 (Applicability), if it is determined that:

1. The relationship of the proposed uses makes the required screening unnecessary;
2. The intent of this Section can be successfully met by means of alternative screening methods;
3. Physical constraints on the site make the required screening infeasible; or
4. The physical characteristics of the site or adjoining lots make the require screening unnecessary.

**F. Buffers.**

1. Industrial. In the industrial zones, a minimum of 10 feet of landscaping shall be planted and maintained when new industrial construction adjoins a residential zone.
2. Commercial. In commercial zones, a minimum of five feet of landscaping of 75 percent opacity shall be planted and maintained adjacent to residential zones.
3. Residential. For new residential projects, a minimum of five feet of landscaping of 75 percent opacity shall be planted and maintained along all property lines adjacent to commercial and

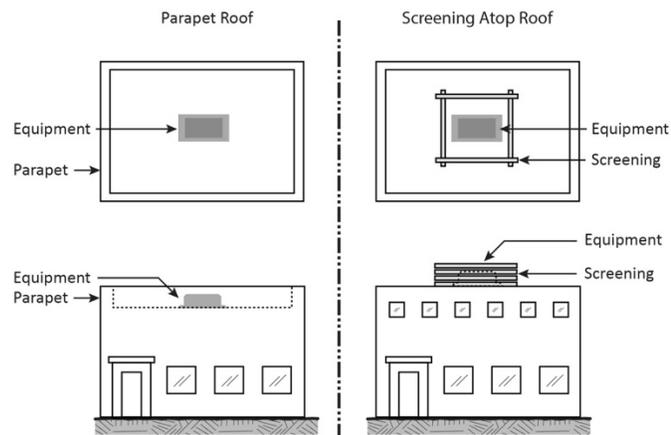
industrial uses. Non-invasive local native plants shall be included in landscaping areas and screening areas to protect designated open space and wildlife habitat areas. A minimum of five feet native landscaping of 75 percent opacity shall be planted and maintained adjacent to designated open space areas.

4. Hazardous materials routes. Where feasible, open space buffers (e.g. landscape strips, masonry walls, etc.) shall be provided between hazardous materials routes and residential neighborhoods.

#### G. Equipment Screening.

1. Roof mounted equipment shall be screened from public view and residential uses. This equipment includes, but is not limited to: air conditioning, heating and ventilation ducts, exhaust vents and utility services.
2. Roof-mounted mechanical equipment shall be screened in compliance with the following standards to ensure that roof-mounted equipment is not visible from an adjoining parcel or public roadway (see the illustration below):
  - a. Screening materials may be solid concrete, wood or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from a public street;
  - b. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials and architectural styles;
  - c. Mechanical equipment must be screened from the perspective of the adjacent public streets, right-of-way and/or sidewalk.

**Figure 17.17.040-1 Rooftop Equipment Screening.**



3. Ground level mechanical equipment and utility services shall be screened from public view as determined by the Community Development Director.
4. The colors, material, landscaping, and architectural style of screening shall be compatible with other on-site development (e.g., uses the same materials and colors as other structures).
5. All planting and trees used in screening equipment shall be designed and maintained in compliance with this Chapter.

**17.17.050 Parking Area Landscaping**

The following section applies to parking area landscaping.

**A. Applicability.**

1. Every parcel of land used for the parking or loading of motor vehicle or motor vehicle sales shall be improved and maintained with landscaping as required in this Section.
2. Landscaping design plans for commercial parking areas shall be submitted for review and approval by the Review Authority prior to installation in compliance with Section 17.17.030 (General Requirements).

**B. Parking Adjacent to Residential.** Where a parking area is across the street from a residential zone or adjoins an abutting residential zone on the same side of the street, there shall be a 10-foot wide landscaped area between the parking area and the street. A minimum three foot low wall shall also be constructed next to the parking area to screen headlights.

**C. Parking Adjacent to Streets.**

1. Landscaping shall be designed and maintained to screen parking areas from public streets. Screening materials may include a combination of plant materials, earth berms, fences/walls, raised planters or other screening at a maximum height of four feet, in compliance with Section 17.17.040 (Screening).
2. Landscaping for the screening of parking areas shall be a minimum of five feet, measured from the back of the sidewalk, and shall be planted with sufficient vegetation to effectively screen the parking area. If no sidewalk exists, distance shall be measured from the edge of right-of-way.
3. Screening within a traffic safety visibility area shall comply with Subsection 17.13.170 (Visibility at Intersections).

**D. Interior Parking Lot Landscaping.**

1. Amount of Landscaping. The minimum landscaped area within a parking area shall comply with Table 17.17.050-1 (Required Interior Parking Lot Landscaping).

<b>Table 17.17.050-1: Required Interior Parking Area Landscaping</b>	
<b>Number of Vehicles in Parking Lot</b>	<b>Required Percentage of Landscaping</b>
15 or fewer	5%
16 to 30	10%
31 to 70	12%
71 and over	16%

2. Location of Landscaping. Landscaping shall be dispersed throughout the parking area and include interior landscaped areas and perimeter landscaping.

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- E. Protection. Required landscaping next to parking spaces or driveways shall be protected by a minimum six-inch high continuous concrete border or curb wall with rebar.
  - F. Plant Material. Required landscape shall include a combination of drought tolerant trees, shrubs, ground covers, and permanent irrigation.
    - 1. Size and time of planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a five-gallon container for trees, one gallon container for shrubs and one gallon or less for perennials, vines and mass planting, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.
    - 2. Trees. The minimum number of trees to be provided in parking areas shall be one for every eight parking stalls and located in landscape islands.
    - 3. Ground cover and shrubs. The majority of areas required for landscaping shall be covered with ground cover, shrubs, or other types of plants.
      - a. Ground cover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year.
      - b. Excessive use of turf is discouraged.
      - c. Crushed rock, wood chips, pebbles, stone, and similar materials shall be allowed up to 15 percent of the total required landscaping.
      - d. Landscaped areas shall be top dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.
  - G. Reduction of required parking area landscaping. The Community Development Director may approve a reduction from the standards relating to the location of landscaped areas within parking areas if the lot configuration causes a hardship or unsafe condition. The Community Development Director may approve a reduction not exceeding 25 percent in the size of any required area, provided another landscaped area is provided or increased to equally compensate for the loss.

#### **17.17.060 Maintenance of Landscaping**

- A. Requirements for Maintaining Landscaping.
  - 1. All landscaping (e.g., ground cover, hedges, lawns, shrubs and trees) shall be maintained in a healthful and thriving condition at all times.
  - 2. Any damaged, dead or decaying vegetation shall be replaced by the equivalent vegetation of a size, form, and character which will be comparable at full growth.
  - 3. Vegetation used for screening purposes shall be selectively thinned if it is determined by the Community Development Director that thinning would improve view corridors, walkability or protect public health, safety and welfare.
  - 4. All vegetation shall be adequately and efficiently irrigated. Irrigation systems and their components shall be maintained in a fully functional manner.
  - 5. Landscaping shall regularly be kept clean and free of debris, litter and weeds.
  - 6. All fences and walls that have been incorporated into an approved landscape design plan shall regularly be maintained in an attractive and safe manner.

7. The Review Authority shall, as a Condition of Approval of any Landscape Design Plan require the implementation of a landscaping maintenance agreement for the maintenance of any or all landscaping on a project.

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## Chapter 17.18 Nonconforming Uses, Sites, and Buildings

### Subsections:

- 17.18.010 Purpose
- 17.18.020 Applicability
- 17.18.030 Nonconformities Defined
- 17.18.040 Continuance of a Nonconformity
- 17.18.050 Nonconforming Sites
- 17.18.060 Changes to Nonconforming Uses
- 17.18.070 Elimination of Nonconforming Uses
- 17.18.080 Establishment of Amortization Periods
- 17.18.090 Nonconforming Structures
- 17.18.100 Abandonment of Nonconforming Structures
- 17.18.110 Abandonment of Nonconforming Uses
- 17.18.120 Abatement

### 17.18.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan. This Chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety and general welfare.

### 17.18.020 Applicability

The provisions of this Chapter apply to structures, land and uses that have become nonconforming by adoption of this Title as well as structures, land and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

### 17.18.030 Nonconformities Defined

Any lawfully established use or structure that is in existence on the effective date of this Title or any subsequent amendment thereto but does not comply with the standards and requirements of this Title shall be considered nonconforming.

- A. Non-conformity. A non-conformity may result from any inconsistency with the requirements of this Title including, but not limited to, use, location, density, floor area, height, setback, performance standards, or the lack of an approved Use Permit or other required authorization. A parcel of land may be considering nonconforming if it was previously used and/or developed without required site improvements including but not limited to paving, screening, landscaping, lighting, drainage, etc.

**17.18.040 Continuance of a Nonconformity**

Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained (including routine repairs) provided there is no enlargement, addition, or other change to any building or structure or use therein; or no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

- A. Ownership. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership, tenancy, or management.
- B. Use of a Structure. The right to continue a nonconforming use or structure shall not apply to uses or structures determined by the Planning Commission or City Council as described in this Chapter to be a public nuisance arising from conditions that constitute a threat to public health, safety or general welfare.
- C. Abandonment. The right to continue a nonconforming use or re-occupy a nonconforming structure shall terminate if the nonconforming use has been abandoned or the nonconforming structure has been vacated for the relevant period described in Section 17.18.100, Abandonment of Nonconforming Uses.

**17.18.050 Nonconforming Sites**

A “nonconforming site” is a lot or parcel that is not in compliance with current site development standards (e.g., parking, landscaping, etc.), but which was in conformance when the site was developed.

In conjunction with the expansion of existing buildings or the construction of new buildings on a partially developed site, nonconforming sites shall be brought into compliance on the following basis.

In all cases, it is recognized that full compliance with the requirements of this Zoning Code may not be possible, due to limitations such as the size of the parcel. In such cases, a good faith effort to achieve compliance shall be sufficient, as determined by the Community Development Director.

<b>Table 17.18.050-2 Nonconforming Sites</b>	
<b>Proposed Building Expansion</b>	<b>Required Site Improvements</b>
Less than 20 percent (20%) increase in floor area or 500 square feet of expansion, whichever is less	Exempt; no site improvements required.
Twenty percent (20%) or greater increase in floor area	Landscaping shall be installed along street and building frontages to the extent possible
Thirty percent or greater increase in floor area	One of the improvements below shall be made with the construction of the increased floor area, if enough site area is available: <ul style="list-style-type: none"> <li>a. Installation of additional parking to achieve as much compliance with parking requirements as possible;</li> </ul>

<b>Table 17.18.050-2 Nonconforming Sites</b>	
<b>Proposed Building Expansion</b>	<b>Required Site Improvements</b>
	<ul style="list-style-type: none"> <li>b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.</li> </ul>
Fifty percent or greater increase in floor area	<p>Both of the items below shall be completed with the construction of the increased floor area, if enough site area is available:</p> <ul style="list-style-type: none"> <li>a. Installation of additional parking to achieve as much compliance with parking requirements as possible;</li> <li>b. Installation of landscaping to achieve as much compliance with landscaping requirements as possible.</li> </ul>

**17.18.060 Changes to Nonconforming Uses and Structures**

Nonconforming uses shall not be expanded, modified, or substituted for another nonconforming use except as provided below.

- A.** Modifications. Modifications, substitutions, and/or expansions of nonconforming uses and structures shall not result in an expansion of intensity or physical footprint of the nonconforming use or structure.
- B.** Absence of Permit. Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining the appropriate Use Permit pursuant to the requirements in Chapter 17.28, Use Permits.
- C.** Conditions. The Community Development Director may impose reasonable conditions deemed necessary to ensure compliance with the required findings. The Community Development Director may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

**17.18.070 Elimination of Nonconforming Uses and Structures**

- A.** Elimination of Nonconforming Uses and Structures.
  - 1. Discontinuation of Nonconforming Uses. The Planning Commission may require other nonconforming uses to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Section 17.18.080, Establishment of Amortization Periods.
  - 2. Elimination of Nonconforming Structures. Nonconforming structures may continue except that the City Council may establish amortization periods for specific structures pursuant to Section 17.18.080, Establishment of Amortization Periods.
  - 3. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use, including but not limited to, municipal code violations, nuisance, Building & Safety violations, substandard buildings as defined by Health & Safety Code section

17920.3, violations of adopted building standards, criminal activity, and other factors as appropriate.

#### **17.18.080 Establishment of Amortization Periods**

A time frame for discontinuing and removing a nonconforming use or structure from its location shall be set as follows.

- A.** The Community Development Director shall submit the nonconforming use or structure and a recommended amortization period, based on the criteria in Section 17.18.080.C.1, to the Planning Commission for review;
- B.** The Planning Commission shall hold a public hearing, noticed pursuant to Chapter 17.25, Common Procedures, to consider the recommended amortization period. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amortization period to the City Council.
- C.** After receiving the recommendation from the Planning Commission, the City Council shall hold a public hearing, noticed pursuant to Chapter 17.25, Common Procedures, to consider the recommended amortization period.
  1. The City Council may establish a maximum time for which the nonconforming use shall be permitted to continue after considering the following in relation to the use or structure.
  2. The time period shall be established by the City Council.
    - a. Time Period. Whenever a use or structure becomes nonconforming, the period of time prescribed for the elimination of the use or the removal of the structure is computed from the effective date of the change that results in the nonconforming status of the use or structure.

#### **17.18.090 Nonconforming Structures**

Nonconforming structures may be continued and maintained in compliance with the following provisions.

- A.** Additions and Enlargements. Additions to and/or enlargements of nonconforming structures are allowed if the addition or enlargement complies with all applicable laws and requirements of this Title, the use of the addition/enlarged area of the property is authorized by this Title, and there is no increase in the discrepancy between existing conditions and the requirements of this Title, except as provided below.
- B.** Maintenance and Repairs. Structural and non-structural maintenance, repair and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint or increase building height or roof pitch. This excludes any improvements required to meet accessibility requirements.
  1. Nonconforming Setbacks, Residential Zones. In Residential Zones, a nonconforming setback may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:
    - a. A new encroachment into any other required setback is not created;
    - b. The height of the portion of the structure that is within the required setback is not increased; and
    - c. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

- C. Restoration of Damaged or Destroyed Nonconforming Structures. A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake or natural disaster that was not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with them, may be restored or rebuilt subject to the following provisions.
1. Restoration When Damage is 50 Percent or Less of Value. If the cost of repair or reconstruction is less than or equal to 50 percent of the appraised value of the structure as determined by the Building Official, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The determination of the appraised value shall be made by a professional appraiser selected by the City, whose fee shall be paid by the building or property owner.
  2. Restoration When Damage Exceeds 50 Percent of Value. If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the structure, as determined pursuant to Subsection A above, the land and building shall be subject to the requirements of this Title, except as provided below.
    - a. Residential Structures. Any nonconforming multi-family residential structure may be reconstructed, restored or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed subject to a submitted application and Zoning Clearance in the case of single-unit dwellings or Community Development Director approval in the case of other residential uses, unless the review authority finds that the reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood.
    - b. Timing. Building permits must be obtained within two years of the date of the damage or destruction and construction shall be commenced within two years of issuance unless another time period is specified through Community Development Director and/or Building Official consideration. Building permits must be maintained valid through the completion of the project.

#### **17.18.100 Abandonment of Nonconforming Uses**

If the nonconforming use ceases to operate, whether with the intent to abandon the use or not, for a continuous period of one year, with the exception of two years for quarry uses or six months for any property having any frontage on major arterials in the City (Arrow Highway, Irwindale Avenue, Foothill Boulevard, Live Oak Avenue, Los Angeles Street, Azusa Canyon Road, Cypress Street, Huntington Drive), it shall be considered abandoned and shall not be resumed, re-established, reopened or replaced by any other nonconforming use, except as provided in this Section. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Community Development Director that the use was legally established and has not been abandoned.

- A. Abandonment. The time period set forth above shall commence when the use ceases to operate, whether with the intent to abandon the use or not, and any one of the following occurs:
1. The site is vacated;
  2. The business license expires or is revoked;
  3. Entitlement expired or revoked;

4. Utilities are terminated; or
  5. The applicable lease is terminated
- B.** Extension of Abandonment Period. The Community Development Director may approve an additional one-year time period during which the use will not be considered abandoned; provided that the Community Development Director finds that economic conditions warrant the additional time. If such additional time period is approved, the total period during which the use will not be considered abandoned shall not exceed two years from the date the use ceased to operate.

**17.18.110 Abatement**

The provisions of this Chapter are in addition to existing state law authority to declare and abate a public nuisance pursuant to California law and other applicable provisions of the Municipal Code. If a legal nonconforming structure or use is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to the Municipal Code and Chapter 17.37, Enforcement.

## Chapter 17.19 Signs

### Subsections:

- 17.19.010 Purpose
- 17.19.020 Applicability
- 17.19.030 Definitions
- 17.19.040 General Provisions
- 17.19.050 Exemptions
- 17.19.060 Prohibited Signs
- 17.19.070 Sign Measurement
- 17.19.080 Signage Allowed By Zones
- 17.19.090 Signage Standards for Specific Sign Types
- 17.19.100 Sign Permit Required
- 17.19.110 Comprehensive Sign Program
- 17.19.120 Non-Conforming Signs
- 17.19.130 On-Site Temporary Signs
- 17.19.140 Off-Site Temporary Signs
- 17.19.150 Enforcement

### 17.19.010 Purpose

- A.** The purpose of this Chapter. The purpose of this chapter is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and non-discriminatory sign standards and requirements. More specifically, this Chapter is intended to:
- 1.** Encourage signs as an effective channel of communication while preventing visual clutter that will detract from the aesthetic character of the City;
  - 2.** Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
  - 3.** Protect and improve the local economy and quality of life by preserving and enhancing the appearance of the streetscape;
  - 4.** Maintain and enhance the City's appearance by regulating the location, number, type, quality of materials, size, illumination, and maintenance of signs;
  - 5.** Restrict signs that may create a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians or drivers; Provide clear and unambiguous sign standards that enable fair and consistent enforcement; and
  - 6.** Ensure that the constitutionally guaranteed right of free speech is protected.

### 17.19.020 Applicability

**A.** Applicability of This Chapter

The provisions of this Chapter apply to all signs in all zones, constructed or physically altered on or after the effective date of this Title, unless otherwise specified.

1. The provisions of this Chapter shall not be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings; create a safety hazard by impeding travel on sidewalks, bike lanes or vehicle lanes; or violate any other reasonable time, place and manner restrictions adopted by the City.
  2. The provisions of this Chapter shall not require alteration of the display of any registered mark, trademark, service mark, trade name or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States.
- B. Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.
- C. Regulatory Interpretations. The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing and orientation of signs.

### 17.19.030 Definitions

As used in this Chapter, the following terms shall have the following meanings:

- A. Animated Sign. A sign with messages that visually change, or images that move or appear to move, flash on or off, display varying light intensity, or show visual motion or create the illusion of motion, or revolve to create an illusion of being on or off.
- B. Awning Sign. A sign placed on an awning, which is a roof-like structure extending over or in front of a building.

**Figure 17.19.030-1 Awning Sign.**



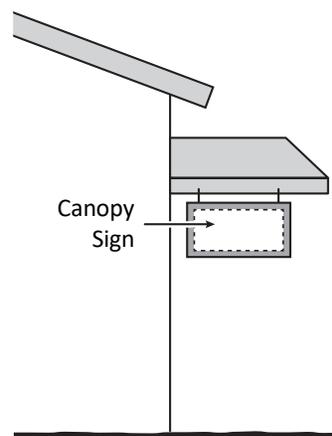
- C. Balloon. Any air- or gas-filled device used for the purposes of signage or advertising.
- D. Banner Sign. A temporary sign that is painted or printed on lightweight flexible material and hung from a staff or other structure by ropes, wires or similar means in a manner to minimize movement.

Figure 17.19.030-2 Banner Sign



- E. Sign Program. A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site.
- F. Billboard. A sign used for general advertising for hire, that is, some or all of the display area is customarily used to display the messages of advertisers or sponsors other than the owner of the sign.
- G. Can/Cabinet Sign. A sign where the text/logo symbols are mounted on a box-like frame or external structure that encloses the various functional components of the sign, whether electrical or dimensional.
- H. Canopy Sign. A sign attached to a fixed overhead shelter used as a roof, which may or may not be attached to a building.

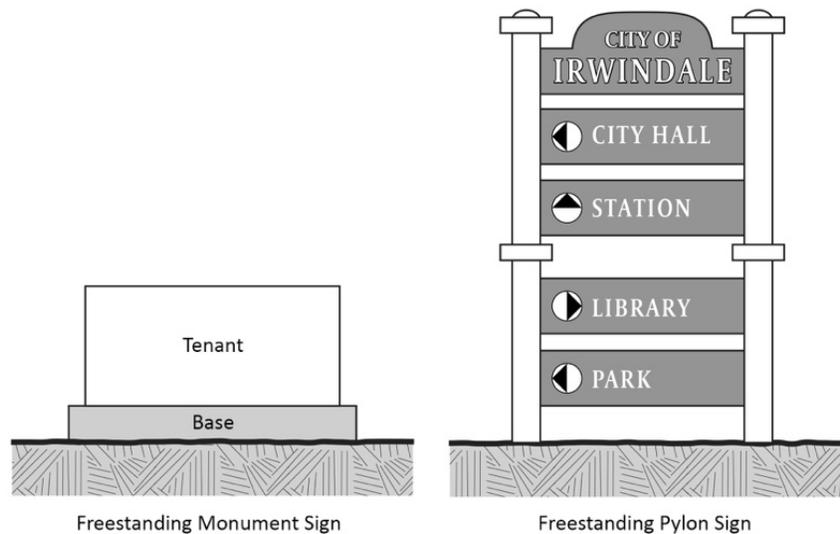
Figure 17.19.030-3 Canopy Sign



- I. Commercial Message. A message on a sign, or portion of a sign, that promotes, informs or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.
- J. Copy. Also called "sign copy." The visually communicative elements mounted on a sign.

- K. Damaged Sign.** Any sign with cracked or broken panels, peeling paint, missing letters or any sign that has been partially destroyed by any cause.
- L. Directional Sign.** A sign that directs or guides pedestrian or vehicular traffic and which is non-advertising in nature (e.g., handicapped parking, one-way, exit, and entrance).
- M. Electronic Copy.** A sign having the capability of presenting variable message displays by projecting an electronically controlled pattern, and which can be programmed to periodically change the message display.
- N. Flag.** Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea or other meaning.
- O. Freestanding Sign.** A sign supported by structures or supports that are placed on or anchored in the ground, and which are structurally independent from any building.

**Figure 17.19.030-4 Freestanding Sign.**

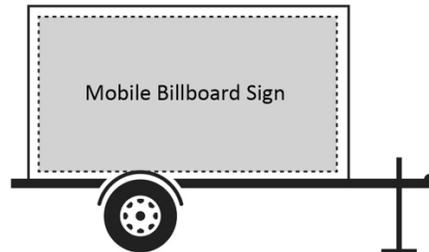


- P. Freeway Information Sign.** A multi-tenant sign advertising freeway-oriented business near a freeway interchange.
- Q. General Advertising for Hire.** The advertising or promoting of other businesses establishments or causes using methods of advertising, typically for a fee or other consideration, in contrast to self-promotion or on-site advertising.
- R. Government/Civic Sign.** A governmental sign for control of traffic and other regulatory purposes, including street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.
- S. Human Directional Signs.** A person that advertises businesses by simply holding a sign for passing traffic to read.
- T. Illuminated Sign.** A sign with an artificial source of light incorporated internally or externally for illuminating the sign.
- U. Inflatable Sign.** A form of inflatable device (e.g., shaped as an animal, blimp, or other object) that is displayed, printed or painted on the surface of an inflatable background, and is primarily installed

outside a building to attract attention to or to advertise a business, a business location, a service, a product or an event.

- V.** Memorial Sign. An informational non-commercial sign, memorializing a person, event, structure or site.
- W.** Mobile Billboard. Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays or transports any sign or billboard for the primary purpose of advertising a commercial, noncommercial message, or other general advertising for hire.

**Figure 17.19.030-5 Mobile Billboard.**



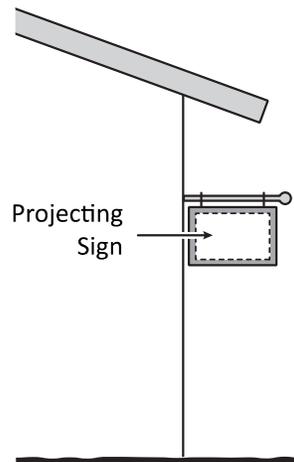
- X.** Moving Sign. A sign or any portion thereof that rotates, moves or appears to move in some manner by mechanical, electrical, natural, or other means.
- Y.** Non-Commercial Message. A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest or entertainment. An example would be a "Quit Smoking" campaign sign posted by LA County Public Health.
- Z.** Nonconforming Sign. A sign lawfully erected and legally existing on the effective date of this Code, but which does not conform to the provisions of this Code.
- AA.** Outdoor Advertising Structure. Any structure or any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.
- BB.** Pennant. A device made of flexible materials, (e.g., cloth, paper or plastic) that may or may not contain copy, and which is installed for attracting attention.
- CC.** Permanent Sign. A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position and in a permanent manner affixed to the ground, wall or building.
- DD.** Portable Sign. A moveable sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H frame signs are allowed subject to the following standards.

Figure 17.19. 030-6 Portable Sign, A-Frame Sign



**EE.** Projecting Sign. A sign other than a wall sign suspending from, or supported by, a structure and projecting outward. Includes blade signs.

Figure 17.19.030-7 Projecting Sign



**FF.** Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof that extend above the roofline or parapet.

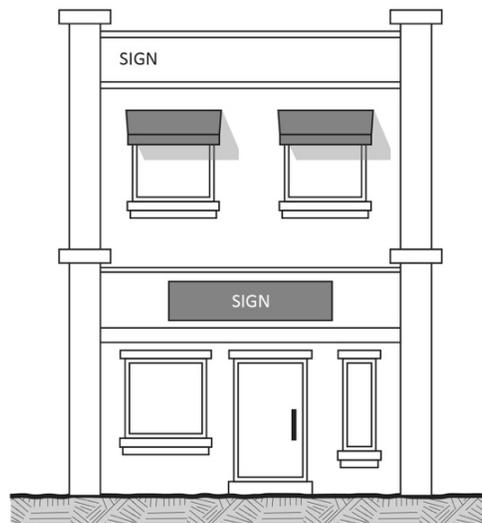
**GG.** Sign. Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify or convey information. A display, device or thing need not contain lettering to be a sign.

**HH.** Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

**II.** Sign Face. An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. The area of a sign which is available for mounting and public display of the visually communicative image.

- JJ.** Signs of Special Significance. Signs in the City that may be inventoried for its architectural or historical significance whether local, state or national.
- KK.** Temporary Sign. A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials which is not intended for or suitable for long term or permanent display.
- LL.** Traffic Sign. A sign for traffic direction, warning, and roadway identification.
- MM.** Wall Sign. A sign affixed to and wholly supported by a building in such a manner that its exposed face is approximately parallel to the plane of such building.

**Figure 17.19.030-8 Wall Sign.**



- NN.** Window Sign. Any sign posted, painted, placed or affixed in or on a window exposed to public view.

**Figure 17.19.030-9 Window Sign.**



**17.19.040 General Provisions**

- A.** Applicable Codes. In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.

- 
- B. Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified to become non-conforming, are exempt from permitting pursuant to this Title and staff review. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- C. Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all non-commercial speech messages will be deemed to be “on-site,” regardless of location. An example would be a “Quit Smoking” campaign sign posted by LA County Public Health.
- D. Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any non-commercial message, and any on-site commercial message may be substituted for any on-site commercial message.
- 1. No Additional Approval Required.** Such substitution of message may be made without any additional approval, permitting, registration or notice to the City. This provision prevents any inadvertent favoring of commercial speech over non-commercial speech or favoring any non-commercial message over any other noncommercial message.
  - 2. Limitations.** This provision does not allow the following:
    - a.** Create the right to increase the total amount of signage for a parcel, lot, or land use;
    - b.** Affect the requirement that a sign structure or mounting device be properly permitted;
    - c.** Allow a change in the physical structure of a sign or its mounting device; or
    - d.** Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.
- E. Sign Materials.** All signs shall be made of sturdy, durable materials.
- 1. Paper, Cardboard and Similar Materials.** Paper, cardboard, and similar materials subject to rapid deterioration shall be limited to temporary signs.
  - 2. Fabric.** Fabric materials shall be limited to awnings, canopies, flags and temporary signs.
- F. Changeable Copy.**
- 1. Manual Changeable Copy.** Manually changeable copy shall represent no more than 50 percent of the sign area. Does not apply to digital billboards.
  - 2. Automatic Changeable Copy and Electronic Message Center Signs.** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electromechanical, electronic or any other artificial energy means, are allowed subject to the following standards.
    - a. Permit Required.** All automatic changeable copy and electronic message center signs require Minor Use Permit approval, except service and gas station price signs and time and temperature signs.
    - b. Display Duration.** The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more. In addition, it must be consistent with advertising requirements from CalTrans.
    - c. Static Message.** Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design,

or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity

- d. Light Intensity. 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
  - e. Automatic Controls. All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.
- G. Illumination.** Illuminated signs shall be designed according to the following standards:
- 1. Illuminated channel letter signs and neon signs are allowed.
  - 2. Lighting fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure, unless approved with a Comprehensive Sign Program.
- H. Encroachment.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval of an encroachment permit.

#### **17.19.050 Exemptions**

The following signs are exempt from the permit requirements of this Chapter, and do not count toward the maximum sign area limitation for a site, provided that they conform to the specified standards.

- A. Address Signs.** Required address identification signs that are in conformance with the Building Code.
- B. Commercial Displays on Vehicles.** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- C. Directional Signs.** Directional and/or informational signs not more than eight square feet in area or four feet in height for the direction or convenience of the public such as outlining/assisting vehicle and pedestrian circulation within a site, egress, ingress, and any public facilities such as restrooms, telephones, walkways, and other similar features.
- D. Flags.** Flags that do not display a commercial message and are erected and located in accordance with the following standards:
  - 1. Maximum Allowable Sign Area. The maximum allowable sign area for an individual flag is 32 square feet.
  - 2. Maximum Sign Height. The maximum flagpole height is 30 feet.
  - 3. Location of Sign. Flagpoles shall not be located within any public right of way.
  - 4. Maximum Number of Signs. No more than two flags per lot in Residential Zones, no more than three flags per lot in all other zones.
- E. Government Signs.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected

by a governmental body to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law.

- F. Historic Plaques and Commemorative Signs. Historic plaques, memorial signs or tablets, or commemorative signs indicating names of buildings and dates of building erection, either attached to or cut into the surfaces of buildings, with a maximum allowable sign area of four-square feet per sign.
- G. Interior Signs. Signs that are in the interior areas of a building or site not visible from the public right-of way, and at least three feet from a window, door, or other exterior wall opening.
- H. Manufacturer's Mark. Manufacturer's marks, including signs on items such as vending machines, gas pumps, and ice containers with a maximum allowable sign area of four square feet per sign.
- I. Mobile Vendor Signs. Signs fixed to mobile vending vehicles that identify or advertise the name, product, or service provided by the vendor. Each mobile vending vehicle is limited to a maximum sign area of eight square feet.
- J. Nameplate. One nameplate for each tenant or occupancy not to exceed two square feet in area indicating the name of the occupant or tenant.

#### **17.19.060 Prohibited Signs**

Unless otherwise permitted by a specific provision of this Chapter, the following sign types are prohibited:

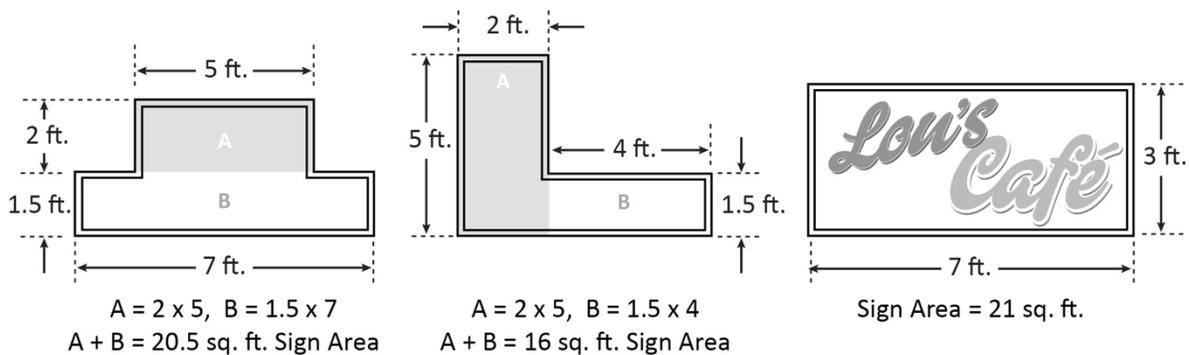
- A. Animated or Moving Signs. Animated, flashing, blinking, reflecting, revolving or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted by another section of this Chapter.
- B. Balloons, Inflatable Signs, Streamers, Pennants and Other Attention-Getting Devices. Balloons, inflatable signs, streamers, pennants and other attention-getting devices, made of lightweight fabric or similar material, designed to rotate or move with the wind, that direct, promote or that are otherwise designed to attract attention.
- C. Fence Signs. Signs attached or painted on fences or freestanding walls that are not part of a building.
- D. General Advertising. Temporary signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales or onsite advertising). General advertising is also known as advertising for hire.
- E. Mobile Billboards. Any sign carried or conveyed by a vehicle for the primary purpose of general advertising for hire. This prohibition eliminates mobile billboard advertising within the City to promote the safe movement of vehicular traffic, to reduce traffic congestion, to reduce air pollution and improve the aesthetic appearance of the City. This prohibition does not apply to displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the City.
- F. Roof Signs.
  1. Attached signs that extend above the roofline or parapet (whichever is higher) of a building with a flat roof.
  2. Attached signs that extend above the deck line of a mansard or false-mansard roof.
  3. Signs on rooftop structures, such as penthouse walls or mechanical enclosures.

- G.** Search Lights. Search lights when used as attention-attracting devices for commercial uses.
- H.** Signs Located in the Public Right-of-Way or on Public Property. Other than official government signs or warning signs required by law, no inanimate sign can be placed in or projected into the public right-of-way or on public property unless authorized by an encroachment permit.
- I.** Signs Affixed to Trees. Signs affixed to or cut into trees or other living vegetation shall be prohibited.
- J.** Signs on Streets or Terrain. Signs cut, burned, marked, or displayed in any manner on a street, sidewalk, or other terrain feature shall be prohibited.
- K.** Signs Creating Traffic or Pedestrian Safety Hazards. Signs placed, located or displayed in such a manner as to constitute a traffic or pedestrian safety hazard shall be prohibited.
  - 1.** Signs that obstruct use of any door, window or fire escape.
  - 2.** Signs that impede normal pedestrian use of public sidewalks. A minimum unobstructed width of four feet must always be maintained.
  - 3.** Signs that constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign or signal device.
  - 4.** Signs that create confusion or conflict with any authorized traffic sign or signal device due to color, location, wording, or use of specific phrases, symbols or characters.
- L.** Signs Producing Noise or Emissions. Signs producing visible smoke, vapor, particles, odor, noise or sounds that can be heard at the property line shall be prohibited. This prohibition excludes menu boards with voice units at Drive-Through Facilities.
- M.** Signs for Prohibited Uses. A sign displaying a commercial message promoting a business that is a prohibited use and has not been established as a legal nonconforming use.
- N.** Unauthorized Signs. Signs shall not be placed on private or public property without the permission of the property owner.

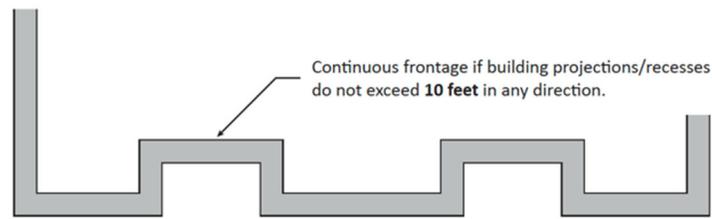
#### **17.19.070 Sign Measurement**

- A.** Measuring Sign Area. Building painting, striping, and supporting structures are not included in the sign area. The sign area is the total area contained within the smallest rectangular perimeter encompassing the sign, structures, and any background embellishments. The sign area for individual channel letter signs is the area contained by the smallest rectangular perimeter that will encompass each word. The area of an individual sign shall be calculated as follows:

Figure 17.19.070-1 Measuring Sign Area.



- B. Single-Faced Signs.** The sign area is the area of the sign face.
- C. Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area of double-faced signs is computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or greater than 45 degrees from one another, both sign faces are counted toward the sign area.
- D. Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, the sign area will be calculated as the sum of all faces.
- E. Measuring Sign Height.** The height of a sign is the vertical distance from the uppermost point used to measure sign area to the existing grade immediately below the sign.
- F. Freestanding Signs.** The height of freestanding signs, including freeway information signs, shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed, to the highest point of the sign, including any structural or architectural component of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height.
- G. Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or background embellishments.
- H. Building Frontage.** Building frontage shall be measured as the widest linear dimension, parallel to the ground, of a continuous frontage. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the frontage and allowable sign area shall be calculated separately for each building frontage.

**Figure 17.19.070-2 Building Frontage.**

- I. **Street Frontage.** The length of street frontage is measured along the property line adjacent to the public right-of-way.

### 17.19.080 Signage Allowed by Zones

This Section establishes the types of signs and, where applicable, the total aggregate sign area, allowed per zone.

#### A. Residential Zones.

1. **Residential Developments.** Residential developments of two or more units or lots are allowed the following types of signs with a total aggregate sign area of one square foot per two dwelling units and are subject to Section 17.19.090, Signage Standards for Specific Sign Types.
  - a. Freestanding signs (Subsection 17.19.090.B, Freestanding Signs)
  - b. Wall signs (Subsection 17.19.090.D, Wall Signs)
2. **Non-Residential Uses.** Non-residential uses that are the primary use on a site in a Residential Zone are allowed following types of signs with a total aggregate sign area of one foot per eight feet of street frontage and subject to Section 17.29.090, Signage Standards for Specific Sign Types.
  - a. Awning and canopy signs (Subsection 17.19.090.A, Awning and Canopy Signs)
  - b. Freestanding signs (Subsection 17.19.090.B, Freestanding Signs)
  - c. Projecting and shingle signs (Subsection 17.19.090.C, Projecting and Shingle Signs)
  - d. Wall signs (Subsection 17.19.090.D, Wall Signs)
  - e. Window signs (Subsection 17.19.090.E, Window Signs)

#### B. Commercial Zones.

The following types of signs are allowed in Commercial Zones subject to Section 17.19.090, Signage Standards for Specific Sign Types.

1. Awning and canopy signs (Subsection 17.19.090.A, Awning and Canopy Signs)
2. Freestanding signs (Subsection 17.19.090.B, Freestanding Signs)
3. Projecting and shingle signs (Subsection 17.19.090.C, Projecting and Shingle Signs)
4. Wall signs (Subsection 17.19.090.D, Wall Signs)
5. Window signs (Subsection 17.19.090.E, Window Signs)

#### C. Industrial and Office Zones.

The following types of signs are allowed in Industrial and Office Zones subject to Section 17.19.090, Signage Standards for Specific Sign Types.

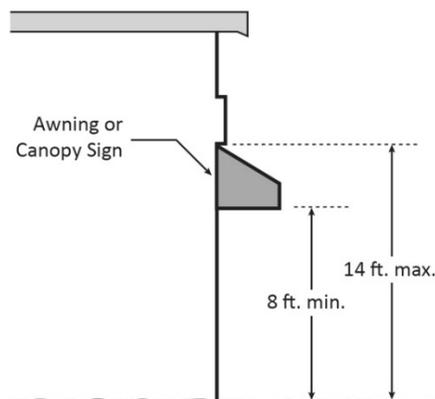
1. Awning and canopy signs (Subsection 17.19.090.A, Awning and Canopy Signs)
  2. Freestanding signs (Subsection 17.19.090.B, Freestanding Signs)
  3. Wall signs (Subsection 17.19.090D, Wall Signs)
  4. Window signs (Subsection 17.19.090.E, Window Signs)
- D. Public and Semi-Public Zones.** The following types of signs are allowed in Public and Semi-Public Zones subject to Section 17.19.090, Signage Standards for Specific Sign Types.
1. Freestanding signs (Subsection 17.29.090.B, Freestanding Signs)
  2. Wall signs (Subsection 17.19.090.D, Wall Signs)

### 17.19.090 Signage Standards for Specific Sign Types

This Section establishes standards for specific sign types that apply to all zones where such signs are allowed.

- A. Awning and Canopy Signs.** Signs painted or printed on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.
1. **Maximum Allowable Sign Area.** Awning and canopy signs shall have a maximum allowable sign area of 10 square feet, or 25 percent of the total awning area, whichever is less.
  2. **Maximum Sign Height.** Awning and canopy signs shall have a maximum height of 14 feet.
  3. **Minimum Sign Clearance.** Awning and canopy signs shall have a minimum sign clearance of eight feet.
  4. **Maximum Number of Signs.** Awning and canopy signs shall be limited to one per each establishment with an entrance or offering services under the awning or canopy.
  5. **Illumination.** Awning and canopy signs shall not be illuminated. External illumination may be considered.

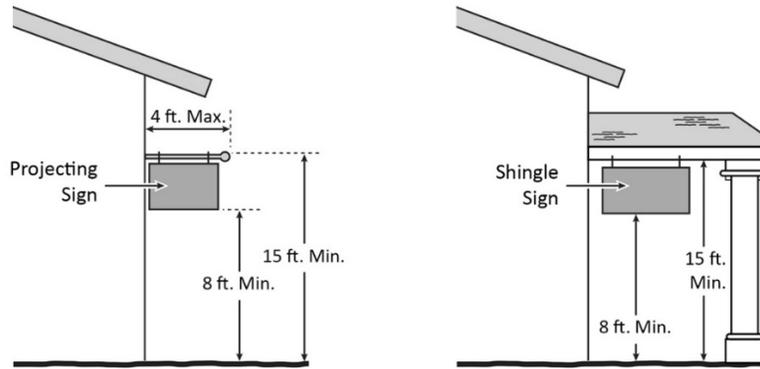
**Figure 17.19.090-1 Awning and Canopy Signs.**



- B. Billboard Signs.** See Billboards Chapter 17.20
- C. Freestanding Signs.** Freestanding signs are subject to the following standards.

- 1. Maximum Allowable Sign Area.**
    - a. Residential Zones.** Six square feet.
    - b. All Other Zones.** Freestanding signs shall have a maximum allowable sign area of one-half square foot per linear foot of street property line, up to 200 square feet.
  - 2. Maximum Sign Height.**
    - a. Residential Zones.** Six feet.
    - b. Commercial Zones.** Freestanding signs, except for freeway information signs, shall have a maximum height of eight feet.
    - c. Industrial and Public and Semi-Public Zones.** Eight feet.
  - 3. Support Structure.** The width of the support structure of freestanding signs shall be least one-third of the width of the sign face. The support structure shall be made of materials present on the façade of the building of the related business.
  - 4. Location of Sign.** All freestanding signs shall meet visibility requirements pursuant to Section 17.13.170, Visibility at Intersections. Sign setbacks shall be measured from face of signs.
    - a. Commercial Zones.** Freestanding signs in the Commercial Zones shall be set back at least five feet from any street-facing property line, and at least 20 feet from any Residential Zone boundary.
    - b. Industrial Zones.** Freestanding signs in the Industrial and Office Zones shall be set back at least five feet from any street-facing property line, and at least 20 feet from any Residential boundary.
    - c. All Other Zones.** Freestanding signs in all other zones shall be set back at least one foot for every foot of sign height.
- D. Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.
- 1. Maximum Allowable Sign Area.**
    - a. Residential Zones.** Six square feet.
    - b. All Other Zones.** Nine square feet.
  - 2. Maximum Sign Height.** 15 feet.
  - 3. Minimum Sign Clearance.** Eight feet.
  - 4. Maximum Number of Signs.** One for each building frontage or tenant space.
  - 5. Projection Allowed.**
    - a. Projecting Sign.** A projecting sign cannot extend more than four feet from the building to which it is attached and must be designed and located so as to cause no harm to street trees. Signs projecting into the public right-of-way are subject to an encroachment permit.
    - b. Shingle Sign.** A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.
  - 6. Illumination.** Projecting and shingle signs shall not be illuminated.

**Figure 17.19.090-2 Projecting and Shing.**



E. Wall Signs. Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.

**1. Maximum Allowable Sign Area.**

- a. Residential Zones. Maximum sign area of 20 square feet. Shall not occupy more than 20 percent of the total area of the wall to which the sign is attached.
- b. Single Tenant Sites in Non-Residential Zones. One single-face wall sign per street or parking frontage. One square foot per linear foot of tenant space for signs on the street front or building side; maximum 100 square feet. Sign dimensions shall not exceed 40 percent of the horizontal length of the wall on which the sign is located.
- c. Multiple Tenant Sites in Non-Residential Zones. One single face sign per business per street or parking lot frontage. One square feet of sign area per each linear foot of building fronting on a street or parking lot, with the maximum total sign area based upon the longest street frontage of the lot:

Table 17.19.090 Total Sign Area for Multiple Tenant Sites	
Frontage	Maximum Sign Area
0-51 ft.	50 sq. ft.
51-150 ft.	100 sq. ft.
150-250 ft.	150 sq. ft.
250-350 ft.	200 sq. ft.
350 or greater ft.	250 sq. ft.

Sign dimensions shall not exceed 40 percent of the horizontal length of the wall on which the sign is located (associated with the business being identified).

2. Location of Sign.
    - a. Wall signs shall not be placed higher than the second story of a building.
    - b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows or tile embellishments.
    - c. Wall signs shall not extend higher than the building wall upon which they are attached.
  3. Maximum Number of Signs. One per building frontage or tenant space.
  4. Attachment. Wall signs may be attached according to the following standards:
    - a. Attached flat against or pinned away from a building wall, but not extending or protruding more than 15 inches from the wall; or
    - b. Attached to the facade of a building or on a sloping roof (mansard roof), but not extending above the upper edge of the facade or the sloping roof.
- F. Window Signs. Signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.
1. Maximum Allowable Sign Area. 25 percent of the window area.
  2. Maximum Sign Height. Window signs shall not be placed on windows higher than the second story.

**Figure 17.19.090-3 Window Signs.**



#### **17.19.100 Sign Permit Required**

- A. Sign Permit Required. Except as otherwise provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Planning Division. No sign permit is required for exempt signs or normal maintenance of a previously approved sign, unless a structural or electrical change is made.

- 
- B. Application.** Application for a permit shall be made upon forms provided by the Planning Division and accompanied by the required fee and application materials showing the following:
    - 1. Site plan showing the location and dimensions of existing structures and the relationship of the proposed sign to the existing structures;
    - 2. Location, dimension, and design of all existing signs; and
    - 3. Location, dimension, and design of proposed sign.
  - C. Review and Decision.**
    - 1. Upon acceptance of a sign application, the Staff shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Comprehensive Sign Program pursuant to Section 17.19.110, Comprehensive Sign Program.
    - 2. Staff's decision shall clearly state any Conditions of Approval or reasons for denial and applicable appeal provisions.
  - D. Agreement Required.** No sign permit shall be issued, and no sign erected, unless the City and the sign owner have entered into a written agreement ensuring that the sign is erected and maintained in compliance with this Chapter. The sign owner shall be solely responsible for all costs associated with construction, maintenance, and the ultimate removal of the sign. The agreement and the sign permit shall be revocable at any time for failure to comply with this Chapter or the terms of the agreement, or if the City determines that the sign interferes with the public's safe use of the right-of-way.
  - E. Ownership Authorization.** Include language requiring the owner and/or their authorized representative to give permission. Also, HOA/Association (CC&Rs), they need to review.
  - F. Permit Number Identification.** A tag issued by the City indicating the sign permit number shall be affixed to the sign to be readily visible by City Staff.

#### **17.19.110 Comprehensive Sign Program**

- A. Purpose.** The purpose of a Comprehensive Sign Program is to provide a comprehensive method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- B. Applicability.** A Comprehensive Sign Program shall be required for projects where two or more signs are proposed for a single building or site.
- C. Application.** A Comprehensive Sign Program application shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Comprehensive Sign Program application shall also include calculation of maximum allowable sign area, and total proposed sign area, for the site.
- D. Modifications to Sign Standards.** A Comprehensive Sign Program may provide for modifications from the standards of this Chapter.
- E. Review Authority.** All Comprehensive Sign Programs are subject to review and approval of the Community Development Director for the project with which the signs are associated. A Comprehensive Sign Program may be submitted separately or as part of the permit application for the project.

- F. Required Findings. The Community Development Director must make all of the following findings in order to approve a Comprehensive Sign Program, in addition to the other applicable regulations in this Section. The inability to make one or more of the findings is grounds for denial of an application.
  - 1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
  - 2. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and
  - 3. Directional signage and building addressing are adequate for pedestrian and vehicular circulation and emergency vehicle access.
- G. Lessees to Be Informed of Comprehensive Sign Program. Lessees within developments subject to the requirements of an approved Comprehensive Sign Program shall be made aware of the Comprehensive Sign Program in their lease.

#### **17.19.120 Nonconforming Signs**

- A. Continuance and Maintenance. Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity.
- B. Abandonment of Nonconforming Sign. Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the nonconforming sign must be removed.
- C. Restoration of a Damaged Sign. A nonconforming sign may be restored if it meets either of the following criteria:
  - 1. A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 60 days of the date of damage and are diligently pursued to completion.
  - 2. A sign that is a danger to the public or is unsafe as determined by the Building Official.

#### **17.19.130 On-Site Temporary Signs**

- A. Portable Signs. A moveable sign that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame and H-frame signs are allowed subject to the following standards.
  - 1. Maximum Sign Width. Two feet.
  - 2. Maximum Sign Height. Four feet.
  - 3. Location of Sign. Portable signs shall be located on private property within 20 feet of the entrance to the business it is identifying.
  - 4. Maximum Number of Signs. One per business where the business is not identified on any freestanding sign.
  - 5. Hours of Display. Portable signs shall be removed during hours when the establishment is not open to the public and cannot be displayed after the activity with which they are associated with is over.

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- B. Real Property Signs and Campaign Signs.** Any temporary sign, banner, balloon, pennant, valance or advertising display for an election or for real estate sales or rental may be erected and located in accordance with the following standards. Tenants and units include planned future tenants and units to be constructed for which a planning approval has been granted or for which a Building Permit has been issued.
- 1. Residential Zones.**
    - a. Maximum Allowable Sign Area.** Ten square feet per street frontage.
    - b. Maximum Sign Height.** Six feet above existing grade.
    - c. Location of Sign.** Signs greater than three square feet in size shall be setback from all property lines a minimum of five feet.
    - d. Additional Individual Unit Signs.** For multi-unit residential developments, each ground floor unit is also allowed one sign up to three square feet in size and six feet in height. Each upper floor unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
  - 2. Other Zones.**
    - a. Maximum Allowable Sign Area.** 50 square feet per street frontage.
    - b. Maximum Sign Height.** Six feet above existing grade
    - c. Location of Sign.** Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
    - d. Additional Individual Tenant/Unit Signs.** Each ground floor tenant/unit is allowed one sign up to three square feet in size and six feet in height. Each upper floor tenant/unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
- C. Construction Signs.** One sign per property not exceeding 32 square feet identifying contractors, owners, designers, lenders, etc., may be erected on sites of projects under construction on that property.
- D. Temporary Business Advertising Signs.** Temporary business advertising signs may be placed on a business for a maximum of 30 consecutive calendar days for the first promotional event of the calendar year for a business and a maximum of 15 consecutive calendar days for all subsequent events for a business during that year.
- 1.** Temporary business advertising signs will be permitted a maximum of four times per calendar year per business.
  - 2.** Display occurrences shall be interrupted by a minimum of 30 days.
  - 3.** Businesses shall be limited to two banner signs per business.
  - 4.** A banner sign shall not be freestanding and shall only be affixed to the façade of the building including canopies or awnings. Banner signs shall not be affixed to any other permanent or temporary structures, including freestanding walls, fences and utility poles.
  - 5.** Banner signs shall not extend above the roofline or parapet of the building.

- E. Time Limits.** Temporary signs shall be removed within 48 hours after the conclusion of the event, the drive, the election or the purpose served by the sign.
1. Any such sign that remains more than 48 hours after the event shall be considered abandoned and the City, or any of their agents, are authorized to remove the sign without notice.

#### **17.19.140 Off-Site Temporary Signs**

- A. Purpose.** The purposes of this Section are to:
1. Comply with California Civil Code Section 713;
  2. Promote the attractive appearance of the City by providing reasonable regulations off-site temporary signs;
  3. Ensure that off-site temporary signs will not, by their size, location, construction, or manner of display, endanger the public health and safety;
  4. Promote the public interest by protecting the safety of pedestrians and vehicles and against fire hazards;
  5. Maintain and enhance the City's visual appeal for residents and visitors by preventing the degradation of visual quality through unregulated off-site temporary signs;
  6. Direct traffic related to real property that is for sale, lease, or exchange, in a manner that minimizes visual clutter, reduces unnecessary traffic through neighborhoods, and provides an orderly, attractive, high-quality image of the City.
- B. General Requirements.** The following standards shall apply to all off-site temporary signs.
1. **Sign Type.** Off-site temporary signs shall be directional signs.
  2. **Permission of Owner.** The owner of an off-site temporary sign must obtain the written permission of the property owner to place their sign on the property.
  3. **Location of Sign.** Off-site temporary signs shall be located outside of public right-of-way, public property, and vision triangles. Signs shall not be affixed or displayed in any manner to fences, walls, light poles, trees, bridges, curbs, benches, cables, street medians, sidewalks, public facilities, utilities, other signs or structure.
  4. **Design of Sign.** Off-site temporary signs shall not be illuminated. Materials shall not include paper but may include durable, weatherproof materials such as metal, plastic, laminated cardboard or other similar materials. Off-site temporary signs shall be designed to ensure that the sign faces are securely fastened to the supporting structure, and that the supporting structure is securely fastened to the ground.
  5. **Content of Sign.** Off-site temporary signs shall identify the name and telephone number of the sign owner with a minimum of one-half inch lettering.
- C. Real Property Kiosks.** Real property kiosks are directional, freestanding signs that identify a master planned development and indicate its direction and location and shall only be allowed for master planned development.
1. **Maximum Allowable Sign Area.** Kiosks shall have a maximum allowable sign area of 50 square feet. Additional sign area may be obtained subject to a Conditional Use Permit approval.

2. **Maximum Kiosk Height.** Kiosks shall have a maximum height of 15 feet. Additional height may be obtained subject to a Conditional Use Permit approval.
3. **Location of Kiosk.** Kiosks shall be placed a minimum of 500 feet from any other kiosk.
4. **Maximum Number of Kiosks.** Kiosks shall be limited to four per master planned development.
5. **Content of Kiosks.**
  - a. Kiosks shall identify the name of the master planned development in the upper portion of the sign. City or community logos are permitted.
  - b. Kiosks shall include directional signs identifying the names of developments within the master planned development, provided that real property is available for sale, lease or exchange. No other advertising shall be allowed.
6. **Design of Sign.** Kiosks shall be designed as an architecturally enhanced structure that includes features such as a roof element, decorative cap and cornice detail, stone clad, or masonry clad columns, stone-clad or masonry-clad foundations, carved/sculptured wood construction or other architectural features as determined by the Community Development Director.
7. **Time Limits.** Kiosks shall be removed 30 days after a Certificate of Occupancy or a final inspection has been issued for the last unit or building in the master planned development.

#### **17.19.150 Enforcement**

Signs that do not conform to the provisions of this Chapter and are erected after its effective date without obtaining required permits thereby are declared to be unlawful and a public nuisance. All violations of this Chapter shall be subject to enforcement remedies, penalties and abatement as provided by Chapter 17.37, Enforcement.

## Chapter 17.20 Billboards

### A. Legislative intent.

The city finds that there is an overconcentration of billboards within its jurisdiction, especially within the I-210 and I-605 Freeways, which necessitate careful consideration of any new billboards or conversion of existing billboards to digital displays. The intent of this Chapter is to limit increases in the total number of billboards along the I-210 and I-605 Freeways, and encourage the removal and replacement of existing billboards with newer technology that allows for multiple advertisements, while reducing the need for separate billboard structures.

### B. Application of chapter.

The provisions of this chapter shall apply to all off-site outdoor commercial advertising structures, i.e., billboards, within the city.

### C. Development agreement required.

1. **Repair/Replacement of Existing Billboards.** The repair or replacement of billboards with static, non-digital displays is permitted in commercial, quarry or industrial zones, subject to obtaining appropriate demolition, building, and other required ministerial permits and complying with all other standards imposed by this chapter. All existing outdoor commercial advertising structures that are not in compliance with the requirements of this chapter are declared to be nonconforming uses.
2. **New Static or Digital Billboards.** The construction of new static or digital billboards or modification or replacement of billboards to install any static or digital display is allowed only upon approval by the city of a development agreement, with appropriate standards and public benefits to be negotiated with the city and complying with all other standards imposed by this chapter. Billboards constructed on property owned by the city or its related agencies may also be accomplished by lease or license in lieu of a development agreement and any reference to a development agreement in this chapter shall include leases or licenses on such properties.

### D. Definitions.

"Billboard" means a sign soliciting public support or directing public attention to the sale, lease, hiring or use of any objects, products or service. For purposes of this chapter, a billboard shall not include a sign solely advertising the business located on the premises where such sign is erected and maintained.

"Billboard identification sign" means the sign which displays the name of the billboard owner and identification number.

"Digital display" means the face of a billboard that is comprised of a digital or electronic face with intermittent messages.

"New construction" means the construction of a new billboard (static or digital display) including the sign face and support structure.

"Repair" means the changing of the sign face and/or support structure to a comparable design (like for like) due to damage. A modification shall be limited to static to static or digital to digital.

"Replacement" means the complete replacement of a static billboard (face and support structure as needed) with a digital display.

"Static display" means the face of a billboard that has a fixed, printed face; is not digital and does not have a variable message display.

**E. General standards.**

The provisions of this section are in addition to any standards imposed by the development agreement, provided, however, that where any standard imposed by a development agreement, lease or license differ from the general standards set forth in this section, the standards imposed by the development agreement shall apply over the general standards as a matter of public interest.

- 1. Sign Face Dimensions.** The area of the sign face of a billboard shall not exceed six hundred seventy-five square feet, excluding border, trim, cutouts and other special advertising features or additions and base or apron supports and other structural members.
  - a. Cutouts and other special advertising features or additions to a sign face shall not exceed in area ten percent of the total sign face dimensions.
  - b. Three-dimensional design elements shall not extend more than five feet beyond the front of the sign face or sign side.
  - c. Bidirectional or double-faced signs shall be located on the same structure. For parallel double-faced signs, the distance between sign faces shall not exceed eight feet. For "V-shaped" double-faced signs, the distance between sign faces shall not exceed forty-five feet at their widest point and shall not exceed eight feet at their closest point.
  - d. Billboard identification signs shall have a minimum character height of two feet.
- 2. Structure Design.** Each structure shall have no more than two poles, and shall be constructed of noncombustible material.
- 3. Height.** The overall height of each structure shall not be limited to the maximum height limit of the zone, in which the billboard is located. The height shall not exceed sixty-five feet or, exclusive of cutouts or special additions, measured from the higher of either:
  - a. The finished grade of the roadway adjacent to the lot on which the structure is located and from which the advertising display is to be viewed; or
  - b. The finished grade of the base of the sign.
- 4. Location.** The location of billboards shall be restricted as follows:
  - a. Structures shall be located only in area immediately adjacent to the I-605 and I-210 freeways that is zoned for commercial, quarry or industrial uses.
  - b. Structures shall not be located on public property or rights-of-way. No portion of any sign or structure shall located on, project into, beneath, or above the public right-of-way.
  - c. Maintenance, repair and other related operations shall be operated completely upon the billboard site and shall not use or encroach on any public right-of-way.
  - d. Structures shall not be located within the setbacks that apply to the zone in which the structure is located.

- e. Structures shall not be located within five feet of a building or other structure.
  - f. New billboards shall not be located within two thousand five hundred feet of another billboard on the same side of the public right-of-way. Existing billboards may not be replaced unless they are outside of a minimum five hundred foot buffer of another billboard. For purposes of this section, measurements shall be made from the centerline of the support structure if a single pole and from the angle of intersection if a perpendicular (V-shaped) sign. Development agreements for new billboard structures with digital displays may provide for a reduced buffer, but not less than one thousand five hundred feet in due consideration of other public benefits provided in the development agreements, including, but not limited to, the concurrent takedown of existing static displays or digital displays within the city.
  - g. When the replacement of a static billboard results in the construction of a new digital display, the new billboard shall not be located within a five hundred foot radius of any existing billboards (static or digital) on the same side of the public right-of-way. For purposes of this section, measurements shall be made from the centerline of the support structure if a single pole and from the angle of intersection if a perpendicular (V-shaped) sign.
- 5. Prohibited Signs.** The following types of signs shall not be permitted on billboards:
- a. Any form of moving, animated, oscillating or rotating sign, or any other design intended to attract attention through movement or the semblance of movement of the whole or any part of the sign or any other method or device that suggests movement;
  - b. Inflatable signs (including generator driven/externally powered inflatables);
  - c. Flashing signs, containing internally and/or externally illuminated light or other devices which are intermittently on and off, which change in intensity, or which create the illusion of flashing in any manner, except that a digital display may be allowed subject to appropriate standards.
- 6. Appearance.** No billboard, including its supporting structure and lighting, shall present any hazard to the safety of pedestrian or vehicular traffic by obstructing the flow of such traffic, obstructing the sight lines required for the safe movement of pedestrian or vehicular traffic, interfering with the visibility and effectiveness of any traffic control or warning device, or in any other manner, as determined by the city manager or his designee.
- a. Specifications regarding illumination, intermittent messaging, intensity, flashing and/or any other visual transformations shall be detailed in the development agreement.
  - b. The images on the digital billboard faces will not change more often than every eight seconds. The images will change instantaneously, with no special effects or video. Any form of moving, animated, oscillating or rotating sign, or any other design intended to attract attention through movement or the semblance of movement of the whole or any part of the sign or any other method or device that suggests movement is prohibited.
  - c. All signs shall be designed and maintained to be compatible with the design and materials used in the structure on which the sign is located.

- d. No sign face or sign area shall be added to an existing sign unless within a permanent frame or panel indicated for such purpose on approved plans for the total sign structure.
  - e. All signs shall be maintained in good condition and working order, as determined by the city manager or his designee, and free of graffiti, peeling paint, faded colors and/or broken and damaged materials.
- 7. General Standards.** All billboards must comply with the following standards:
- a. Billboard modifications and replacements shall only apply to legal conforming and legal non-conforming signs. Any illegal signs must be removed.
  - b. The developer shall, at all times, comply with the approvals of the California Department of Transportation Outdoor Advertising Division.
  - c. The developer shall underground all utilities installed in connection with the billboard, where feasible.
- 8. Adjacent Landscaping.** Where appropriate, the properties upon which billboards are located shall be landscaped to achieve a consistent freeway corridor landscaping theme in accordance with the following guidelines:
- a. The landscaping objective is to see the property on which the structure is located landscaped completely along the freeway frontage, or on larger parcels with more than one billboard, a distance determined to be a proportionate share of the property's freeway frontage. Landscaping is not intended to block the view of the structures within their view shed, a distance of one-quarter mile from the sign face.
  - b. The structures shall be landscaped with a backdrop effect, utilizing fast growing, vertical formed trees, such as California Bay; Fern Pine; Coast Live Oak; or other similar non-invasive species.
  - c. The structures should be framed with trees of a broad form, such as native oak varieties, or other similar non-invasive species.
  - d. Sites that are on quarry or landfill properties shall be landscaped with shrubs and trees so as to effectively screen the property from freeway views.
  - e. The plant materials used for landscaping shall be drought-resistant and irrigated with an automatic drip irrigation system. Irrigation systems may be installed on the surface if a licensed landscape architect establishes a maintenance plan that may allow the irrigation to be discontinued if the plant materials reach a level of maturity and condition that would permit it without damage to the plant material.
  - f. Landscape plans shall be accompanied by a photographic view study of the structure; both within its view shed and from a more distant approach to the view shed of the structure. This study shall demonstrate the effectiveness of the proposed landscape plan and its compliance with the preceding provisions.

## Chapter 17.21 Performance Standards

### Subsections:

- 17.21.010 Purpose and Intent
- 17.21.020 Applicability
- 17.21.030 Measurement of Impacts
- 17.21.040 Air Contaminants
- 17.21.050 Electromagnetic Disturbances and Radiation
- 17.21.060 Radioactivity
- 17.21.070 Hazardous and Extremely Hazardous Materials
- 17.21.080 Waste
- 17.21.090 Heat and Humidity
- 17.21.100 Light and Glare
- 17.21.110 Vibration
- 17.21.120 Odors
- 17.21.130 Noise

### 17.21.010 Purpose and Intent

This Chapter establishes performance standards to protect against the use of any property or structure in any zone in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable challenge to local health, safety, and general welfare of the public and the surrounding area or adjoining premises. These performance standards shall apply to all uses in all zones, except for legal nonconforming uses, which, based on a written opinion of the City Attorney, have an established right not to comply with the provisions of this Chapter.

### 17.21.020 Applicability

The standards of this Chapter shall apply to all uses and properties existing in the City at the time of adoption of this Title.

- A. Extensions. The City Council may approve a maximum five-year extension for compliance for existing uses with a contract and schedule for full compliance. The extension shall be based on the degree of expenditure needed to achieve full compliance compared to the total value of the improvements related to the use and the degree of hazard or impact to the adjoining properties and the community from the existing noncompliance with the standards.
- B. Conditions. Compliance with this Section may be waived by the City Council if a condition created under prior ordinances physically precludes the reasonable application of the standards. Additional categorical exemptions from compliance with the performance standards are as follows:
  - 1. Temporary activity festivals and other special events with approved Temporary Use Permits or other required permits, where such activities otherwise comply with other applicable provisions of Title 17.
  - 2. Any emergency activity on the part of the City or a private party.
  - 3. Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

### **17.21.030 Measurement of Impacts**

Measurements necessary for determining compliance with the performance standards of this Chapter shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

### **17.21.040 Air Contaminants**

Uses, activities, and processes shall not operate in a manner that emits excessive dust, odor, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District (SCAQMD).

The City shall consult with SCAQMD to determine which uses shall be equipped with emission-control devices or measures to preclude fugitive dust and particulate emissions from the site. Such devices or measures shall be approved by SCAQMD prior to issuance of a building permit or other approval authorizing construction activities. All devices shall be maintained by the owner.

### **17.21.050 Electromagnetic Interference**

Uses, activities, and processes shall not cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with the applicable Federal Communications Commission regulations.

### **17.21.060 Radioactivity**

Uses, activities, and processes shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

### **17.21.070 Hazardous and Extremely Hazardous Materials**

Uses, activities, and processes involving hazardous and extremely hazardous materials shall comply with other provisions of the Municipal Code, Fire and Building Codes, regulations of the California Department of Toxic Substances Control, and regulations of the County Environmental Health Agency. Hazardous materials shall include carcinogens and liquids and solids which are unstable at ambient temperatures. Projects utilizing hazardous and extremely hazardous materials shall comply with the following:

- A.** Hazardous Material Permit Required. Uses, activities, and processes storing hazardous and extremely hazardous materials shall obtain a Hazardous Material Permit from the Fire Department pursuant to the Hazardous Materials Ordinance of Title 8, Health and Safety, of the Municipal Code.
- B.** Hazardous Material Management Plan. Projects using hazardous and extremely hazardous materials shall provide a Hazardous Material Management Plan for the review by Building and Safety and LA County Fire Department prior to final building inspection. Hazardous Material Management Plans shall demonstrate that adequate safety precautions have been taken to ensure the proper handling of hazardous and extremely hazardous materials, including but not limited to the following:

1. Proper on-site management and containment;
  2. Transportation and spill reduction during transport;
  3. Properly designed and outfitted disposal facilities;
  4. Prevention of spills and sewer contamination;
  5. Source reductions and recovery; and
  6. Compliance with the Hazardous Materials Ordinance of Title 8, Health and Safety, of the Municipal Code.
- C. Conditional Use Permit Required. If upon the review of the Hazardous Materials Management Plan, Building and Safety and LA County Fire Department determines that the hazardous and extremely hazardous materials pose a significant public health risk beyond the property line, the applicant shall be required to obtain a Conditional Use Permit approved by the Planning Commission.
- D. Hazardous Material Signage. All buildings or structures containing hazardous and extremely hazardous materials shall be labeled on all doorways and entrances with easy-to-read signs. Signs shall provide emergency response teams with information on the hazardous contents of the building or structure and proper containment procedures. Signage shall conform to standards established by the Los Angeles County Fire Department.

#### **17.21.080 Waste**

- A. Discharge. Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with Chapter 8.24 of the Irwindale Health and Safety Section of the Municipal Code and applicable regulations of the NPDES Program.
- B. Containment. Waste shall be handled and stored to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. Material, including but not limited to paper products, plastic, dirt, sand, lime, seed, bran, chaff, wood refuse, and other readily transportable compounds, shall be contained in a way it cannot be tracked or carried by wind off-site.

#### **17.21.090 Heat and Humidity**

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with the ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase of more than five degrees Fahrenheit on another property.

#### **17.21.100 Light and Glare**

Uses, activities, and processes shall not be operated such that significant, direct glare, incidental to the operation of the use, is visible beyond the boundaries of the property where the use is located.

### **17.21.110 Vibration**

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard. Where vibration dampeners are proposed, project applications shall include an engineered study establishing the effectiveness of the dampeners based on actual conditions.

### **17.21.120 Odors**

No use or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot line of a site.

### **17.21.130 Noise**

This section establishes standards for the regulation of noise levels to protect the health, safety, and welfare of the City.

- A.** Compliance with Noise Control Provisions. All land uses and their associated activities shall comply with the provisions of this Chapter and IMC Chapter 9.28, Noise Regulation.
- B.** Acoustic Study. An acoustic study shall be required for any proposed project which could create or be subject to a noise that exceeds the levels contained in the General Plan and/or IMC Chapter 9.28 (Noise Regulation).
- C.** Noise Attenuation Measures. Any project subject to the acoustic study requirements of Subsection 17.21.130.B, Acoustic Study, may be required as a Condition of Approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
  - 1.** New noise-sensitive uses (e.g., schools, hospitals, churches, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 dBA.
  - 2.** Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
  - 3.** Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered and may be required only after all feasible design-related noise measures have been incorporated into the project.
- D.** Deliveries, Loading, and Unloading. Deliveries, loading, unloading, opening/closing or other handling of boxes, crates, containers, building materials, trash receptacles, or similar objects within a nonresidential zoning district adjacent to a residential zoning district shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays.
- E.** Mitigation of Impacts. Noise mitigation measures may be required in conjunction with the approval of an application for new development when a significant noise impact is identified.

## Chapter 17.22 Surface Mining and Reclamation Plans

- 17.22.010 - Purpose and intent.
- 17.22.020 - Definitions.
- 17.22.030 - Compliance with SMARA.
- 17.22.040 - Scope.
- 17.22.050 - Vested rights.
- 17.22.060 - Application and process.
- 17.22.070 - Standards for reclamation.
- 17.22.080 - Statement of responsibility.
- 17.22.090 - Findings for approval.
- 17.22.100 - Financial assurances.
- 17.22.110 - Interim management plans.
- 17.22.120 - Annual report requirements and review.
- 17.22.130 - Inspections.
- 17.22.140 - Violations—Penalties.
- 17.22.150 - Appeals.
- 17.22.160 - Fees.
- 17.22.170 - Mineral resource protection

### 17.22.010 Purpose and Intent

- A. The city council recognizes that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society. The city council also recognizes that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety, and that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different, causing reclamation operations and reclamation specifications to vary accordingly.
- B. The purpose and intent of this chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practices (California Code of Regulations [CCR] Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:
  - 1. Adverse environmental effects are prevented or minimized and mined lands are reclaimed to a usable condition and are readily adaptable for alternative land uses.
  - 2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed wildlife, range and forage, aesthetics and enjoyment.
  - 3. Residual hazards to the public health and safety are eliminated.

## 17.22.020 Definitions

For purposes of this chapter, the following words and terms shall have the following meanings:

"Area of regional significance" means an area designated by the State Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

"Area of statewide significance" means an area designated by the State Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

"Backfilling guidelines" means the Guidelines for Underwater Backfilling of Open-Pit Mines (2005) and the Guidelines for Above-Water Backfilling of Open-Pit Mines (2005), duly adopted and utilized by the city, as may be amended from time to time.

"Borrow pits" means excavations created by the surface mining of rock unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

"Compatible land uses" means land uses inherently compatible with mining and/or that require a minimal amount of public or private investment in structures and land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include but are not limited to, very low density residential, geographically extensive but low-impact industrial, recreational, agricultural silvicultural, grazing and open space.

"CEQA" or "California Environmental Quality Act" means the California Environmental Quality Act of 1970, as amended, at Public Resources Code, Section 2100 et seq., related CEQA Guidelines in the California Code of Regulations, Title 14, Section 1500 et seq.

"Erosion guidelines" means the Guidelines for Drainage and Erosion Control for Open-Pit Mines (2004) duly adopted and utilized by the city, as may be amended from time to time.

"Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground work needed to determine the type, extent or quantity of materials present.

"Haul road" means a road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.

"Inert fill" means the placement following mining of engineered inert materials, comprising of fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil. Those materials are spread on land in lifts and compacted under controlled conditions per the technical guidelines to achieve a uniform and dense mass which is capable of supporting structural loading, as necessary, or supporting other uses to provide land that is appropriate for an end use consistent with the approved general and any specific plans (e.g., roads, building sites, or other improvements) where an engineered fill is required to facilitate productive use(s) of the land. The engineered fill shall be constructed and compacted in accordance with this Code and the technical guidelines and in accordance with specifications prepared

and certified at least annually by a civil engineer, certified engineering geologist, or similar professional licensed by the state of California and maintained in the operating record of the operation. The operator shall also certify under penalty of perjury, at least annually, that only approved inert debris has been placed as engineered fill, and specifying the amount of inert debris placed as fill. These determinations may be made by reviewing the records of an operation or by on-site inspection. Certification documents shall be maintained in the operating records of the operation and shall be made available to the city. (Source: California Regulations, Title 14, Section 17388(l))

"Idle" means that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than ninety percent of its maximum annual mineral production within any of the last five years during which an interim management plan has not been approved.

"Incompatible land uses" means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but are not limited to, public facilities, geographically limited but impact intensive industrial and commercial.

"Technical guidelines" means all guidelines duly adopted and utilized by the city including the Guidelines for Stability Analyses of Open-Pit Mine Slopes (2003), the Guidelines for Drainage and Erosion Control for Open-Pit Mines (2004), the Guidelines for Underwater Backfilling of Open-Pit Mines (2005) and the Guidelines for Above-Water Backfilling of Open-Pit Mines (2005), as each may be amended from time to time to address any updates required by State law.

"Mined lands" means the surface, subsurface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.

"Minerals" means any naturally occurring chemical element or compound or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

"Mining waste" means the residual of any soil, rocky mineral liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from or displaced by surface mining operations, and any other liquid or solid waste that may result from surface mining operations.

"OMR" or "state" shall mean the California Department of Conservation, Office of Mine Reclamation, including its duly authorized successors and assigns.

"Operator" means any person who is engaged in surface mining or reclamation operations, or who contracts with others to conduct operations on such party's behalf, including persons with ownership interest in the property being mined or reclaimed, except a person who is engaged in surface mining or reclamation operations as an employee with wages as his/her sole compensation.

"Overburden" means soil, rock or other materials that lie above a natural material deposit or in between deposits, before or after their removal by surface mining operations.

"Permit" means any formal authorization from or approval by the city, and shall include, but not be limited to, grading permits and use permits, as defined below, the absence of which would preclude surface mining operations, unless otherwise allowed by law.

"Person" means any individual, firm association corporation, organization or partnership, and any governmental agency.

"Public Resources Code" or "PRC" means the California Public Resources Code.

"Reclamation" means the combined process of land treatment that maximizes post-mining land uses compatible with zoning and the general plan, and that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed as rapidly as is reasonably feasible to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction stabilization or other measures.

"Reclamation plan" shall have the meaning per SMARA, as described in Public Resources Code Section 2770 and the 14 CCR Section 3502.

"Slope stability guidelines" means Guidelines for Stability Analyses of Open-Pit Mine Slopes (2003), duly adopted and utilized by the city, as may be amended from time to time.

"SMARA" means the Surface Mining and Reclamation Act of 1975, and all amendments thereto, as set forth in Public Resources Code Sections 2710 et seq., and all regulations thereunder (14 CCR Section 3500 et seq.).

"State Board" means the California State Mining and Geology Board, including its duly authorized successors and assigns.

"Stream bed skimming" means the excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

"Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits. Open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, exploration or prospecting, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

"Use permit" means the formal authorization from or approval by the city, and shall include a conditional use permit and/or development agreement, pursuant to Government Code Section 65864 et seq., the absence of which would preclude surface mining operations, unless otherwise allowed by law.

### **17.22.030 Compliance with SMARA**

All operators and persons conducting or seeking to conduct surface mining operations or reclamation shall comply with the provisions of SMARA, such statutes and regulations may be amended from time to time, except that when the provisions of this code are more restrictive, this chapter shall prevail. Copies of SMARA are on file in the city clerk's office for public review.

### **17.22.040 Scope**

- A.** Any authorization provided in an existing entitlement approved prior to December 31, 2014 shall apply over any inconsistent provision implemented pursuant to the updates of the ordinance codified in this chapter made on November 12, 2014.
- B.** Except as provided in this chapter, no person shall conduct surface mining operations unless all use permits, a reclamation plan, and all financial assurances for reclamation, have first been approved by the city. Any applicable exemption from this requirement, including, but not limited to, any reclamation operations exempt from the requirement to secure a reclamation plan under Section 17.22.050, does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the city, including but not limited to, the application of CEQA, the requirements of other required approvals or permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under any federal, state or local law. The provisions of this chapter shall apply to all lands within the city, public and private. This chapter shall not apply to the following exempt activities:
  - 1.** Excavation or grading conducted for onsite construction comprising fifty cubic yards or less;
  - 2.** Excavation or grading conducted for the purpose of restoring land following a flood or natural disaster;
  - 3.** Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for the construction of structures, landscaping or other land improvements, including all related excavation, grading, compaction or the creation of fills, road cuts and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
    - a.** All required permits for the construction, landscaping, or related land improvements have been approved by the appropriate public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, CEQA,
    - b.** The city's approval of the construction project including consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA,
    - c.** The approved construction project is consistent with the general plan and applicable zoning for the site,
    - d.** Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended or are no longer being actively pursued;

4. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools or other materials and including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
  - a. The plant site is located on lands zoned as Q overlay zone, industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the city,
  - b. None of the minerals being processed are being extracted onsite, and
  - c. All reclamation work has been completed pursuant to an approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976;
5. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in anyone location of one acre or less;
6. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose;
7. Any other surface mining or reclamation operations that the State Board determines to be of an infrequent nature and which involve only minor surface disturbances;
8. The solar evaporation of sea water or bay water for the production of salt and related minerals;
9. Emergency excavations or grading conducted by the California Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing or restoring damage to property due to imminent or recent floods, disasters or other emergencies;
10. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only applicable if slope stability and erosion are controlled in accordance with slope stability guidelines and SMARA and upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the department of forestry and fire protection. This exemption does not apply to onsite excavation or grading that occurs within one hundred feet of a Class One watercourse (as defined under state law) or seventy-five feet of a Class Two watercourse (as defined under state law), or to excavations for materials that are, or have been, sold for commercial purposes.

#### **17.22.050 Vested Rights**

No person who obtained a vested right to conduct surface mining operations at a particular site prior to January 1, 1976, shall be required to secure a permit to conduct such operations at such facility, as long as the vested right continues and as long as no substantial changes have been made in the operation, except those changes made and approved in accordance with SMARA, and this code. Where a person with vested rights continues surface mining operations in the same area subsequent to January 1, 1976,

such person shall obtain city approval of a reclamation plan and financial assurances covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (either horizontally and/or vertically) between pre- and post-SMARA mining, the reclamation plan shall provide for reclamation proportional to that disturbance caused by the mining after the effective date of SMARA (January 1, 1976). All other requirements of state law and this chapter shall apply to vested surface mining operations.

#### **17.22.060 Application and Process**

- A.** Applications for a use permit or a reclamation plan for surface mining operations shall be made on forms provided by the community development department. Such applications shall be filed in accordance with this code and all procedures established by the city community development director. The application for a use permit shall include the following:
  - 1.** Computation of financial assurances to accurately assess all reclamation costs over a reasonable period of time, per SMARA Section 2773.1 and Section 17.22.100 herein;
  - 2.** Legal information, including land and mineral rights ownership, intended operator, and a formal, legal description of the property boundaries;
  - 3.** Site characterization, including all details of existing environmental conditions, location (relative to political boundaries), and site access and roadways to be used to access local and regional transportation corridors;
  - 4.** Operation plan, including details of the material to be processed annually, methods and equipment to be used (including all on-site structures), ultimate mining depth sought in the application, not to exceed the maximum authorized depth, as determined by the city engineer, based on a mine slope profile derived from cross sections of the slopes that comport to the Irwindale Guidelines. The mine slope profile shall establish the maximum allowable mining area in the site. The operation plan shall also include a detailed description of waste generation, water use and potential impacts on water quality. The operation plan shall be in accordance with all technical guidelines, as each may be amended from time to time to address any updates required by state law, provided they do not exceed the requirements of any approved entitlements and SMARA;
- B.** The forms for reclamation plan applications shall require, at a minimum, each of the elements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as determined by the city community development director. The reclamation plan application shall be submitted in conjunction with the application for a use permit for surface mining operations. For any reclamation plan application that is not submitted simultaneously with an application for a use permit, or for any proposed amendment to a reclamation plan, the reclamation plan application shall include all information concerning the mining operation required for the processing of the reclamation plan. All documentation for the reclamation plan shall be submitted to the city at one time.
- C.** Applications for a use permit and a reclamation plan shall include all required environmental review forms and information prescribed by the city community development director.

- D.** Upon completion of the environmental review and filing of all documents required by the city community development director, consideration of any use permit or reclamation plan for the proposed or existing surface mine operation shall be completed pursuant to this code at a public hearing before the planning commission, or before the city council for mining below one hundred fifty feet below ground surface, and pursuant to Section 2774 of the Public Resources Code.
- E.** Within thirty days of acceptance of an application of a use permit for surface mining operations and/or a reclamation plan, as complete, the community development department shall notify the OMR of the filing of the application(s). Whenever surface mining operations are proposed in the one hundred-year floodplain of any stream, as shown in zone A of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the community development department shall also notify the State Department of Transportation that the application has been received.
- F.** The community development department shall process the application(s) and conduct any necessary environmental review pursuant to CEQA and any city environmental review guidelines.
- G.** Subsequent to completion of all appropriate environmental review, the community development department shall prepare a staff report with recommendations for consideration by the planning commission or city council.
- H.** The planning commission or city council shall hold at least one noticed public hearing on the use permit and/or the reclamation plan.
- I.** Prior to final approval of a reclamation plan, or any financial assurances (as provided in this chapter), or any amendments to the reclamation plan or existing financial assurances, the planning commission or city council, where applicable, shall certify to the OMR that the reclamation plan and/or the financial assurances comply with the applicable requirements of state law and shall submit the reclamation plan, any financial assurances or any amendments thereto, to the OMR for review. The planning commission or city council may conceptually approve the reclamation plan and financial assurances before submittal to the OMR. If a use permit is being processed concurrently with the reclamation plan, the planning commission or city council may simultaneously also conceptually approve the use permit. However, the planning commission or city council may defer action on the use permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with any permit processing deadlines, the planning commission or city council may conditionally approve the use permit with the condition that the community development department shall not issue the use permit for the surface mining operation until cost estimates for financial assurances have been reviewed by the OMR, and final action has been taken on the reclamation plan and financial assurances.
- J.** Public Resources Code Section 2774(d), OMR shall be given thirty days to review and comment on the reclamation plan and forty-five days to review and comment on the financial assurances. The planning commission or city council shall evaluate written comments received, if any, from OMR during the comment periods. City staff shall prepare a written response describing the disposition of the major issues raised by the state for the planning commission's or city council's

approval. In particular, when the planning commission's or city council's position varies from the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the planning commission or city council shall be promptly forwarded to the applicant and/or operator.

- K. The planning commission or city council shall then take action to approve, conditionally approve or deny the use permit and/or reclamation plan, and to approve the financial assurances pursuant to Public Resources Code Section 2770(d).
- L. The community development department shall forward a copy of each approved use permit for surface mining operations and/or approved reclamation plan, and a copy of the approved financial assurances, to the OMR. By July 1st of each year, the community development department shall submit to OMR for each active or idle mining operation, a copy of the use permit and/or reclamation plan amendments, whatever is applicable, or a statement that there have been no changes from the previous year.

#### **17.22.070 Standards For Reclamation**

- A. All reclamation plans shall comply with the specific requirements of SMARA (PRC Section 2772 and Section 2773) and applicable state regulations (14 CCR Section 3500-3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, shall also comply with all reclamation performance standards and requirements under the state regulations (14 CCR Section 3700-3713).
- B. The city may impose additional performance standards as developed either in reviewing individual projects, as warranted, or through the formulation and adoption of city performance standards.
- C. Before commencement of the filling operations, the operator shall secure all necessary permits from the applicable governmental agencies having jurisdiction over fill operations. The permitting procedures imposed by such agencies may require additional environmental assessment, the cost of which shall be borne by the operator.
- D. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or upon completion of all excavation, removal or fill, as approved by the city.
- E. In addition to the requirements under SMARA, reclamation plans shall include the following:
  - 1. Each phase of reclamation shall be specifically described in the reclamation plan and shall include the beginning and expected end dates for each phase;
  - 2. All reclamation activities required including but not limited to:
    - a. Slopes and slope treatments;
    - b. Plans for backfill, including engineered fill specifications;
    - c. Residual features such as ponds, reservoirs and tailings;
    - d. Revegetation plan including species, mix, and density;

3. Criteria for measuring completion of specific reclamation activities;
  4. Estimated costs for completion of each phase of reclamation;
  5. Agent(s) responsible for reclamation implementation;
  6. Specific end uses following reclamation; and
  7. The timing and scope of periodic review consistent with the Irwindale Municipal Code or other regulation.
- F. Revegetation.** All reclamation plans shall be in compliance with Section 3705 of SMARA for slope revegetation and shall be subject to the following requirements:
1. Available research addressing revegetation methods and the selection of species having good survival characteristics, for topography, resoiling characteristics, and climate of the site area shall be documented in the revegetation section of the reclamation plan.
  2. Should any plant material become unhealthy or die, the operator shall replace same with equivalent materials within the next winter to spring planting season.
  3. Success of revegetation will be judged by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed mined-lands to similar parameters of naturally occurring vegetation in the area. Successful revegetation will be deemed complete when plant cover has been established over seventy-five percent of the site for three consecutive years.
- G. Final slopes.** The construction of all final slopes will be in accordance with the technical guidelines. All perimeter slopes will have adequate erosion control measures designed in accordance with the technical guidelines.
- H. Fill operations.** All fill operations shall be governed by the following:
1. All areas of fill or backfill operations in the quarry during mining and reclamation shall be compacted in accordance with the Los Angeles County Building Code or other methods approved by the city engineer.
  2. Areas of fill operations in the site during mining and reclamation shall meet criteria stated in the Irwindale Guidelines ("backfill specifications"). Acceptable materials in accordance with the backfill specifications shall consist only of materials that are certified inert and free of hazardous materials or other contamination (consisting of aggregate mining wastes not considered useable product, including fine sand, silt, and clay, or non-durable rock material), clean construction debris (including broken asphalt above the historic high water level and concrete at any level) or other Class U (inert) waste, soil removed from sedimentation, flood control, or debris reservoirs, exported soil from grading operations in the Los Angeles area, or similar acceptable inert materials as permitted by applicable federal, state, and local regulations, as may be amended from time to time ("approved fill").
  3. The operator shall retain a geotechnical engineer to prepare a backfill specification plan in accordance with the backfill specifications and submit it to the city engineer for review and approval prior to the commencement of the filling operations. The backfill specification plan shall include but not be limited to the following:
    - a. Total excavation and fill volumes;
    - b. Rate of excavation and fill;
    - c. Total depth of excavation;
    - d. Finished elevation after reclamation; and

- e. Defined end use with related fill and compaction requirements that would be required to return the property to a condition suitable for the proposed end use.
  - 4. Quarterly results of fill operations and compaction results shall be submitted to the city engineer on a form approved by the city engineer.
  - 5. The operator shall test each load of fill material for compliance with the backfill specifications. All fill material and fill placement shall be subject to the approval of the city engineer.
  - 6. Ongoing fill and compaction operations will be annually certified by a geotechnical engineer retained by operator. The annual certification of fill placement report will be submitted to the city for review and approval.
  - 7. City shall have the right, after providing at least forty-eight hour notice to operator, to independently inspect and monitor the (i) fill loads for the presence of any hazardous materials and (ii) to ascertain whether fill has been placed and compacted as required by the applicable use permit, using a consultant retained by the city. The reasonable costs for such tests shall be paid by the operator if performed no more than quarterly; however, should any test find a violation of the applicable use permit, city shall have the right to conduct additional tests as necessary to ensure compliance with these conditions and the reasonable costs for such additional tests paid by operator. Should the fill material be found unacceptable, the operator shall correct, to the satisfaction of the city engineer, any materials improperly accepted or placed at the site.
  - 8. No permanent waste disposal locations or tailings ponds are permitted.
- I. The reclamation plan shall be reviewed every year by the city. The city's review shall be undertaken in accordance with SMARA, and the Irwindale Municipal Code, as may be amended from time to time. Upon its review, the city may require certain revisions of the reclamation plan if it finds such revisions are necessary pursuant to Regulation Section 3502(D) as amended.
  - J. Amendments. Substantial deviations from an approved reclamation plan shall require city approval in the same manner as set forth under Section 17.22.060. Any reclamation plan amendment shall be submitted to the director of the Department of Conservation for review, consistent with PRC Section 2774(c), as may be amended from time to time.
  - K. Emergency Plan. Within thirty days of the approval of the reclamation plan, an emergency plan must be prepared as an attachment to the reclamation plan. Approval of the emergency plan shall follow the same process for preparation and approval of the site management and security plan at Section 17.11.070. Required remedial actions should be established in the emergency plan, which will minimize the time period between the discovery of the contamination and the completion of remediation. If, at any time, contamination is found to be at or above established action levels, the city shall be immediately notified and the operator shall be required to take (and pay for) all necessary remedial actions.
  - L. Termination of Reclamation. All equipment, structures, and other facilities associated with the mining operations will be dismantled and completely removed from the site upon termination of mining, unless that equipment, structures and other facilities are allowed under the approved use permit. Thereafter, and in accordance with any additional requirements in the approved reclamation plan, upon termination of reclamation, all equipment, structures and other facilities associated with the reclamation operations will be dismantled and completely removed from the

site. All refuse, abandoned equipment, and similar materials will likewise be removed for disposal in a manner permitted by law. Inert materials may be incorporated into any grading or fill required to complete reclamation. This will be done in a manner compatible with applicable law, and in accordance with the reclamation plan.

#### **17.22.080 Statement of Responsibility**

The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Such statements shall be kept by the community development department. At or prior to the sale or transfer of the surface mining operation, any new operator shall submit a signed statement of responsibility to the community development department accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan.

#### **17.22.090 Findings for Approval**

- A.** Use Permit Approvals. In addition to any other findings required by this code, use permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and the state regulations thereunder.
- B.** Reclamation Plans. No reclamation plan is to be approved unless the following findings have been made:
  - 1.** The reclamation plan complies with SMARA;
  - 2.** The reclamation plan and potential uses of reclaimed land pursuant to the plan are consistent with this code, the city's general plan, all applicable Irwindale Guidelines and any applicable resource plan or element.
  - 3.** The reclamation plan has been reviewed pursuant to CEQA and the city's environmental review, and all significant adverse impacts from reclamation of the surface mining operations will be mitigated to the maximum extent feasible.
  - 4.** The land and/or other resources such as water bodies to be reclaimed, will be restored to a condition that is compatible with the surrounding natural environment, topography and other resources.
  - 5.** The reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and any applicable resource plan.
  - 6.** A statement obligating the operator to utilize all inert mine waste materials for the fill operations, or divert such materials to other sites in the city, or provide an explanation as to why such diversion is not feasible.
  - 7.** A written response to OMR has been prepared, describing the disposition of major issues raised by that Department in accordance with Irwindale Municipal Code Section 17.22.060(K).

### 17.22.100 Financial Assurances

- A. To ensure reclamation proceeds in accordance with the approved reclamation plan, all reclamation plans shall include a provision providing for financial assurances with security that will not be released until the city has provided written approval of satisfactory completion of the reclamation plan. The applicant may provide security in the form of a surety bond, trust fund irrevocable letter of credit from an accredited financial institution or other method of security acceptable to the city and the State Board, in accordance with SMARA, and in an amount the city reasonably determines is adequate to perform reclamation in accordance with the approved reclamation plan. Financial assurances shall be made payable to the city of Irwindale and OMR.
- B. Financial assurances will be required to ensure compliance with the reclamation plan, including but not limited to, revegetation and landscaping requirements, requirements for adequate and appropriate fill material grading and compaction requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control disposal of hazardous materials and other measures, if necessary.
- C. Cost estimates for the financial assurances shall be submitted to the public works department for review and approval prior to the time the operator secures financial assurances. The public works director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to OMR for review. If OMR does not comment within forty-five days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the city determines additional costs may be incurred. The public works director shall have the discretion to approve the financial assurances if they meet the requirements of this code, SMARA, and applicable state regulations.
- D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the city engineer. The estimated cost of reclamation shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation and landscaping requirements for adequate and appropriate fill material grading and compaction requirements, restoration of water bodies, restoration of aquatic or wildlife habitat and any other applicable element of the approved reclamation plan, shall be based upon cost estimates that include but are not limited to, labor, equipment, materials, mobilization of equipment, administration and a reasonable profit by a commercial operator other than the operator of the surface mining operation. A contingency factor of ten percent shall be added to the cost of reclamation.
- E. In projecting the costs of reclamation, it shall be assumed that the surface mining operation has been abandoned by the operator and that the city or State Department of Conservation must contract with an independent third party to initiate and complete all remaining reclamation.

- F. The financial assurances shall include a calculation of funding requirements for the total of required reclamation actions by mining phase and provision of a suitable funding mechanism.
- G. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
- H. The amount of financial assurances shall be adjusted annually to account for new lands disturbed by surface mining operations, adjustments and corrections in financial assurances previously approved, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, including any necessary interim reclamation excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year.
- I. The operator shall submit written revisions to financial assurances to the public works director each year, thirty days prior to the anniversary date of the initial financial assurances approved by the city. If written revisions to the financial assurances are not provided, the operator shall explain, in writing, thirty days prior to such anniversary date, why revisions were not necessary. The public works director may require further revisions and/or explanation from the operator if the submission is found to be inadequate.
- J. Alternative Financial Assurances. SMARA at Sections 3803 and 3806 authorize governmental operators to utilize "pledges of revenue or budget set-asides" as financial assurance mechanisms to secure reclamation of its quarries. The city have established a joint powers authority, formed pursuant to Government Code Section 6500, et seq., and titled the Irwindale Reclamation Authority ("JPA") to assist the operator in meeting its financial assurances obligations through an alternative financial assurances mechanism ("alternative mechanism"). The availability of the alternative mechanism for an operator shall be subject to the state's approval. In the event that the operator seeks to provide financial assurances as provided in this section, the operator shall provide the following: Transfer and Conveyance of Operation Rights. The operator shall execute a document titled, "SMARA Operation Rights Transfer and Conveyance Agreement," transferring to the JPA, and conveying from the JPA to the operator, its operation rights. The assignment and conveyance shall be deemed not to be an interest in real estate but instead to be a transfer solely for purposes of assigning primary reclamation responsibility back to the operator.
  - 1. Amounts Posted by the Operator. The operator shall post financial assurances instruments in favor of the JPA and State in the amount determined by the city. Such financial assurances shall remain in place until the site has been fully reclaimed in accordance with the reclamation plans for the site and then shall be fully exonerated unless there is a default. Although the city shall retain all rights to annually adjust the financial assurances amounts under SMARA Section 2773.1(a)(3), the financial assurance posted by the operator shall reflect the amounts required to reclaim the site. As such, any increase in the financial instruments posted by the operator shall require an amendment to the use permit, subject to the mutual approval of city and the operator.
  - 2. Termination of JPA. In the event the JPA is terminated for any reason, at least two years prior written notice of termination shall be given to the operator before such termination shall be effective. This provision shall be included in the SMARA Operation Rights Transfer and Conveyance Agreement. During said two-year period, the reclamation plan shall be reviewed, and revised in a manner such that the then posted

financial assurances will be sufficient for reclamation, or the city may enter into other agreements with the operator to accomplish the reclamation originally contemplated.

- K. Default.** In the event of a material default of the terms of the reclamation plan obligations, the city shall give the operator reasonable notice and opportunity to cure. Should operator fail to promptly commence and diligently pursue a cure for such default, the city may pursue any or a combination of the following remedies:
- 1. Financial Assurances.** In accordance with SMARA, at Section 2773.1(b), as may be amended, the city may use the financial assurances posted by the operator as necessary to reasonably cure the default.
  - 2. Additional Rights.** In the event of a material default, in addition to utilizing the operator's financial assurances, the city shall have all of the remedies available per SMARA Section 2773.1 and the following rights, after providing the operator with a thirty-day notice of violation:
    - a.** To enter the site and remedy the default, unless such entry is to take over fill operations and use revenue from reclamation activity, in which case, subsection c below shall apply;
    - b.** To charge the operator for all costs in excess of the financial assurances and reclamation revenue;
    - c.** To lien the property for all excess, uncompensated expenses;
    - d.** To collect the operator's or its agent's deposit; and
    - e.** To expend portions of the reclamation fund contributed by the JPA, but not the operator's financial assurances, for any purpose it deems appropriate to assist in the refilling of the site expeditiously and in an economically prudent manner; provided, however, the city shall be responsible for any actual damage which results from its introduction of materials that do not qualify as approved fill. Eligible costs under this paragraph shall include, but not be limited to, the costs of permissible fill, transportation of same, equipment and labor costs for reclamation, engineering and consulting fees and all other similar or related costs and expenses.
  - 3. Right to Enter Site to Take Over Fill Operations.** In the event of a material default in the operator's filling operations, should the city wish to enter operator's site and use revenue from reclamation activity to cure the default by taking control of fill operations, the city shall first provide sixty days notice to operator of the intent to do so. Before implementing such measures, however, the city shall cause an impact report ("impact report") to be prepared analyzing the anticipated costs and benefits and impacts of the city taking over fill operations. A draft of the impact report shall be circulated to the operator and other interested parties. Applicant shall have thirty days to comment on the draft. The city shall consider and respond to any comments in writing. At the city's discretion, any comments may be incorporated into the impact report. The city council shall consider the impact report at a public hearing. If approved by the city council, the city may take over operator's fill operations, receive revenue from the reclamation activity, expend such portions of the reclamation fund and implement such other measures as addressed in the approved impact report, but only for as long as necessary to achieve compliance with the reclamation plan. When the default has been cured, the operator shall resume its filling and other operations under the reclamation plan.

4. The operator shall at all times maintain ownership and control of the site and shall continue the conduct of refilling activity, as may be further provided in the SMARA Operation Transfer and Retransfer Agreement. However, in the event the city exercises its rights under subsection 17.22.100(4) above, the operator shall give the city, its contractors and agents access to the site so that the city may cause additional filling and reclamation to occur in accordance with these conditions. Such access shall be in accordance with the operator's normal safety requirements and the city shall indemnify and hold the operator harmless from any liability arising from such access, including injury or death to the employees of city, its contractors and/or agents, unless such injury or death is caused by the negligence of Applicant.
5. Without limitation of its other legal remedies, the operator shall have the right to appeal to the state any decision by the city to exercise its remedies in accordance with the appeal provisions under SMARA Regulation Section 3650(b), referencing SMARA Section 2770(e), which authorizes an appeal to the state of a determination by a lead agency under Section 2773.1(b) that an operator is incapable of performing its reclamation obligations.

#### **17.22.110 Interim Management Plans**

- A. Within ninety days of a surface mining operation becoming idle, the operator shall submit to the public works department a proposed interim management plan ("IMP"). The proposed IMP shall comply with all requirements of SMARA, including but not limited to all permit conditions and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by State Department of Conservation and shall be processed as an amendment to the reclamation plan per Section 17.22.060.
- B. Financial assurances for idle surface mining operations will be maintained as though the operations were active.
- C. Upon receipt of a complete proposed IMP, the community development director shall forward the IMP to the OMR for review. The IMP shall be submitted to OMR at least thirty days prior to approval by the city council.
- D. Within sixty days of receipt of the proposed IMP, or a longer period mutually agreed upon by the city community development director and the operator, the city council shall review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty days, or a longer period mutually agreed upon by the operator and the community development director, to submit a revised IMP. The city council shall approve or deny the revised IMP within sixty days of receipt. If the city council denies the revised IMP, the operator may appeal such action in writing to the city council within fifteen days of the city council's action.
- E. The IMP may remain in effect for a period not to exceed five years, at which time the city council may renew the IMP for another period not to exceed five years, or require the operator to commence reclamation in accordance with the approved reclamation plan.

### **17.22.120 Annual Report Requirements and Review**

- A.** Operators shall forward annual surface mining reports to the state and to the public works department on a date established by the state, and on forms furnished by the State Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the state within thirty days of permit approval, or before commencement of operations whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the state at the time of filing the annual surface mining report.
- B.** Consistent with SMARA, the city may annually review reclamation plans including any and all financial assurances. The purpose of the annual review is for making adjustments in response to any changing technical standards relative to slope stability, backfill and compaction, ground water protection, and related public safety measures. Any changes to land use plans shall be subject to the limitation that such changes do not adversely affect the owner's economic ability to complete the reclamation of the site.

### **17.22.130 Inspections**

The public works department shall arrange for the inspection of a surface mining operation within six months of receipt of the annual surface mining report required in Section 17.22.120, to determine whether the surface mining operation is in compliance with its use permits, the approved reclamation plan, the approved financial assurances and state regulations. In no event shall less than one inspection be conducted in any calendar year. The city shall send written notice to the operator at least ten days prior to the inspection. Such inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, experienced in land reclamation and who has not been employed by the surface mining operation in any capacity during the previous twelve months, or other qualified specialists, as selected by the public works director. All inspections shall be conducted using a form approved and provided by the State Board. The public works department shall notify the OMR, within thirty days of completion of the inspection that said inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation, including the city's statement regarding the status of compliance, to the operator and OMR. The operator shall be solely responsible for all reasonable cost of the inspection, and shall either pay the costs directly, and/or, shall promptly reimburse the city for such costs.

### **17.22.140 Violations—Penalties**

- A.** If the public works director, based upon an annual inspection or other information which is confirmed by an inspection of the surface mining operation, determines that a surface mining operation is not in compliance with this chapter, applicable permits, and/or the reclamation plan, the city may follow the procedures set forth in PRC, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of this municipal code for revocation and/or abandonment of any applicable use permit.
- B.** In the event the operator fails to perform any obligations under the reclamation plan, the city shall have the right to take any action permitted under applicable law to compel compliance, including all equitable and legal remedies, whether specific performance, injunctive relief, or

legal damages, and may impose any fines and penalties as may be permitted by law, including, but not limited to, the city staff and consultant costs and attorneys' fees incurred in securing compliance.

#### **17.22.150 Appeals**

- A.** Any person aggrieved by an act or determination of the public works director and/or the city community development director in the exercise of the authority granted in this code, shall have the right to appeal to the planning commission. Any appeal shall be filed in writing within fifteen calendar days of the public works director and/or community development director's determination.
- B.** Any person aggrieved by an act or determination of the planning commission in the exercise of the authority granted in this code, shall have the right to appeal to the city council. Any appeal shall be filed in writing within fifteen calendar days of the planning commission's determination.

#### **17.22.160 Fees**

The city shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this chapter and the state regulations, including but not limited to, processing of applications; annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the city, at the time of filing of the permit application, reclamation plan application, financial assurance information, notice of completion of inspection, or at such other times as determined by the city to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the operator.

#### **17.22.170 Mineral Resource Protection**

- A.** Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent consistent with the city's general plan.
- B.** In accordance with PRC Section 2767, the city's general plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve months of the city's receipt of this information from the State Board, land use decisions within the city will, in part, be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on title to property of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving uses that would otherwise be incompatible with mineral resource, protection, conditions of approval may be applied to proposed encroaching uses to minimize potential conflicts.

## **Chapter 17.23 Reserved**

This chapter is reserved for future code chapter.

**(DELETE AFTER, REPLACED BY RE-NUMBERED CHAPTER)**

## **Article IV: Administration and Permits**

### **Chapter 17.24 Planning Authorities**

Subsections:

- 17.24.010 Purpose
- 17.24.020 City Council
- 17.24.030 Planning Commission
- 17.24.040 Community Development Director
- 17.24.050 Summary of Review Authorities for Decisions and Appeals

#### **17.24.010 Purpose**

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities, including the City Council, Planning Commission and Community Development Director.

#### **17.24.020 City Council**

The powers and responsibilities of the City Council include, but are not limited to the following:

- A.** Design Review. Adopt design guidelines for specific areas of the City for review pursuant to Chapter 17.27, Design Review.
- B.** Development Agreements. Consider, adopt, reject or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant to Chapter 17.34, Development Agreements.
- C.** Amendments to the General Plan. Consider and adopt, reject or modify proposed amendments to the General Plan, Zoning Code, Zoning Map, Development Agreements, specific plans, and environmental documents related to any of the foregoing, pursuant to Chapter 17.35, Amendments to the General Plan, Zoning Code, and Zoning Map.
- D.** Hearing of Appeals. Hear and decide appeals from decisions of the Planning Commission pursuant to Section 17.25.130, Appeals.
- E.** Set Fees. Establish, by resolution, a Municipal Fee Schedule listing fees, charges and deposits for various applications and services provided, pursuant to this Title.

#### **17.24.030 Planning Commission**

The powers and responsibilities of the Planning Commission include, but are not limited to the following:

- A.** Annual Review. Annually review progress towards implementation of the General Plan and make recommendations to the City Council based on any new legislation, development trends, or changing economic, social, and environmental conditions.
- B.** Permit Review. Approve, modify or deny Conditional Use Permits and Variances, pursuant to Chapter 17.28, Use Permits, and Chapter 17.32, Variances.

- C. Recommend Amendments. Make recommendations to City Council on proposed amendments to the General Plan, Zoning Code, and Zoning Map, specific plans, and environmental documents related to any of the foregoing, pursuant to Chapter 17.34, Amendments to the General Plan, Zoning Code, and Zoning Map.
- D. Hearing of Appeals. Hear and decide appeals from decisions of the Community Development Director, pursuant to Section 17.25.130, Appeals.
- E. Revocation of Permits. Hear and decide proposals to revoke permits, pursuant to Section 17.25.120, Revocation of Permits.
- F. Determination of Environmental Reviews. Make environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
- G. Determine Consistency with General Plan. Make General Plan consistency findings such as for the Capital Improvement Program (CIP).
- H. Other Powers. Such other powers and responsibilities as assigned or directed by the City Council.

#### **17.24.040 Community Development Director**

The powers and responsibilities of the Community Development Director (“the Director”), or their designee, include, but are not limited to the following:

- A. Perform all of the functions designated by State law, including, but not limited to the following:
  1. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
  2. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
  3. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
- B. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
- C. Prepare rules and procedures necessary for conducting the Community Development Director’s business. They may include the administrative details of hearings officiated by the Community Development Director (e.g., scheduling, rules of procedure and recordkeeping). These rules and procedures must be approved by City Council resolution, following review and recommendation by the Planning Commission.
- D. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
- E. Approve, modify or deny Minor Use Permits, pursuant to Chapter 17.28, Use Permits.
- F. Approve, modify or deny requests for Extensions for land use projects, pursuant to Section 17.25.100, Expiration and Extension.

- G. Decide requests for Minor Revisions to Approved Permits, pursuant to Section 17.25.110, Revisions to an Approved Permit
- H. Issue a Zoning Clearance pursuant to Chapter 17.26, Zoning Clearance.
- I. Approve, modify or deny Temporary Use Permits, pursuant to Chapter 17.29, Temporary Use Permits.
- J. Approve, modify or deny a Minor Variance, pursuant to Chapter 17.30, Minor Variances.
- K. Approve, modify or deny requests for Reasonable Accommodation for land use projects, pursuant to Chapter 17.33, Reasonable Accommodation.
- L. Conduct Site Plan and Design Review and approve, modify, or deny land use projects pursuant to Chapter 17.27, Site Plan and Design Review.
- M. Determine whether a project is subject to review under the California Environmental Quality Act and notify the applicant if any additional information is necessary to conduct the review.
- N. Make recommendations to the Planning Commission and City Council on all applications, appeals, and other matters upon which they have the authority and the responsibility to act under this Title.
- O. Investigate and report to the Planning Commission on permit violations when the City has initiated revocation procedures, pursuant to Section 17.25.120, Revocation of Permits.
- P. Delegate administrative functions to members of the Planning Division.
- Q. Such other powers and responsibilities as assigned or directed by the City Council.
- R. Refer items to the Planning Commission where, in their opinion, the public interest would be better served by a Planning Commission public hearing and action.
- S. Interpret the Zoning Code as needed for members of the public and other City Departments.

**17.24.050 Summary of Review Authorities for Decisions and Appeals**

Table 17.24.050 identifies the Review Authority responsible for reviewing and making decisions on each type of application required by the Zoning Code.

<b>Table 17.24.050 Review Authorities for Decisions and Appeals</b>				
<b>Type of Action</b>	<b>Applicable Code Chapter/Section</b>	<b>Role of Review Authority</b>		
		<b>Community Development Director</b>	<b>Planning Commission</b>	<b>City Council</b>
<b>Legislative Actions</b>				
Development Agreements and Amendments	17.34	Recommend	Recommend	Decision

<b>Table 17.24.050 Review Authorities for Decisions and Appeals</b>				
<b>Type of Action</b>	<b>Applicable Code Chapter/Section</b>	<b>Role of Review Authority</b>		
		<b>Community Development Director</b>	<b>Planning Commission</b>	<b>City Council</b>
Zoning Code and Zoning Map Amendments	17.35	Recommend	Recommend	Decision
General Plan and Specific Plan Amendments	17.35	Recommend	Recommend	Decision
<b>Planning Permits, Approvals and Administrative Actions</b>				
Minor Use Permits	17.28	Decision	Appeal	Appeal
Conditional Use Permits	17.28	Recommend	Decision	Appeal
Temporary Use and Special Event Permits	17.29	Decision	Appeal	Appeal
Sign Permits	17.19.100	Decision	Appeal	Appeal
Minor Variances	17.31	Decision	Appeal	Appeal
Variances	17.32	Recommend	Decision	Appeal
Planned Developments	17.09	Recommend	Decision	Appeal
Reasonable Accommodations	17.33	Decision	Appeal	Appeal
Site Plan and Design Review (Administrative Approval up to 15,000 square feet or 10% of building sq. ft.)	17.27	Decision	Appeal	Appeal
Site Plan and Design Review (over 15,000 square feet or greater than 10% of building sq. ft.)	17.27	Recommend	Recommend	Decision
Site Plan and Design Review (Development Agreement)	17.27	Recommend	Decision	Appeal

<b>Table 17.24.050 Review Authorities for Decisions and Appeals</b>				
<b>Type of Action</b>	<b>Applicable Code Chapter/Section</b>	<b>Role of Review Authority</b>		
		<b>Community Development Director</b>	<b>Planning Commission</b>	<b>City Council</b>
Tentative Maps	Title 16 Subdivisions	Recommend	Decision	Appeal
Zoning Clearances	17.26	Issue	Appeal	Appeal
Lot Line Adjustment	17.26	Decision	Appeal	Appeal

1. "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Issue" means that the Community Development Director grants the Zoning Clearance after confirming compliance with all applicable provisions of this Zoning Code; and "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body.
2. The final Review Authority for a Conditional Use Permit granting a Density Bonus shall be the City Council, with the Planning Commission first making a written recommendation to the Board of Supervisors.
3. When necessary, the Community Development Director may defer action and refer the request to the Planning Commission for consideration and final decision.
4. When necessary, the Planning Commission may defer action and provide a recommendation to the City Council for consideration and final decision.

## Chapter 17.25 Common Procedures

### Subsections:

- 17.25.010 Purpose
- 17.25.020 Application Forms and Fees
- 17.25.030 Pre-Application Review
- 17.25.040 Review of Applications
- 17.25.050 Environmental Review
- 17.25.060 Public Notice
- 17.25.070 Conduct of Public Hearings
- 17.25.080 Findings and Decision
- 17.25.090 Conditions of Approval
- 17.25.100 Expiration and Extension
- 17.25.110 Revisions to an Approved Permit
- 17.25.120 Revocation of Permits
- 17.25.130 Appeals

### 17.25.010 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of all land use permits and approvals provided for in this Title, unless superseded by a specific requirement of this Title or State law.

### 17.25.020 Application Forms and Fees

- A. Applicant. The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof of the right to use and possess the property as applied for, satisfactory to the Community Development Director, shall accompany the application.
- B. Application Forms. The Community Development Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.
- C. Supporting Materials. The Community Development Director may require the submission of supporting materials as part of the application, including but not limited to: statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
- D. Availability of Materials. All submitted material becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. In accordance with the California Public Records Act, the City of Irwindale will respond to requests for Irwindale Planning Division records and documents. The City of Irwindale will determine within 10 days from the request whether to comply with the request and shall notify the requestor of such determination. In unusual circumstances, the 10-day period may be extended for an additional 14 days upon written notice to the requestor, stating the reason(s) for the extension.

**E. Multiple Applications.**

1. **Concurrent Filing.** An applicant for a project which requires more than one permit (e.g., Conditional Use Permit and Site Plan and Design Review, etc.), shall file all related applications concurrently, together with all application fees. The concurrent filing requirements may be waived by the Community Development Director.
2. **Concurrent Processing.** Multiple permits for the same project shall be processed concurrently and shall be reviewed and decided on by the highest Review Authority designated for any of the applications.

**F. Application Fees.**

1. **Fee Schedule.** The Council shall approve by resolution a Comprehensive Schedule of Fees and Charges that establishes fees for permits, informational materials, penalties, copying, and other such items.
2. **Fee Payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid.
3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Irwindale Municipal Code.
4. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Irwindale Municipal Code or by policy of the City Council.

**17.25.030 Pre-Application Review**

Pre-application review is an optional review process that is intended to provide information on relevant policies, zoning regulations, and procedures. This review is intended for large or complex projects and projects that are potentially controversial.

- A. Exemption from Permit Streamlining Act.** Pre-application review is not subject to the requirements of the California Permit Streamlining Act. An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Community Development Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 17.25.040, Review of Applications.
- B. Review Procedure.** The Planning Division shall conduct pre-application review. The Community Development Director may consult with or request review by any City agency or official with interest in the application.
- C. Recommendations are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by City staff. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

### **17.25.040 Review of Applications**

- A.** Initial Completeness Review. The Community Development Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received.
- 1.** Incomplete Application. If an application is deemed incomplete, the Community Development Director shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.
    - a.** Zoning Code Violations. An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.
    - b.** Submittal of Additional Information. The applicant shall provide additional information within the time limit specified by the Community Development Director.
    - c.** Appeal of Determination. Determinations of incompleteness are subject to the provisions of Section 17.25.130, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.
    - d.** Expiration of Application. If an applicant fails to correct the specified deficiencies within the specific time limit, the application shall expire and be deemed withdrawn, unless an extension is granted by the Community Development Director. After the expiration of an application, review shall require the submittal of a new, complete application, along with all required fees.
  - 2.** Complete Application. When an application is deemed complete, the Planning Division shall make a record of that date. If an application requires a public hearing, the Community Development Director, or their designee, shall schedule it and notify the applicant of the date and time, pursuant to Section 17.25.060, Public Notice.
- B.** Referral of Application. At the discretion of the Community Development Director, or where otherwise required by this Title, State or Federal law, any application filed in compliance with this Title may be referred to any City department, public agency, or interest group that may be affected by or have an interest in the proposed land use project.
- C.** Extensions. The Community Development Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Title.

### **17.25.050 Environmental Review**

All projects shall be reviewed for compliance or exemption with the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

### **17.25.060 Public Notice**

Unless otherwise specified, whenever the provisions of this Title require public notice, the City shall provide notice in compliance with State law as follows.

- A. Mailed Notice.** At least 10 days before the date of the public hearing, or 15 days before the date of action when no public hearing is required, the Community Development Director (or the City Clerk for City Council hearings) shall provide notice by First Class mail delivery to the following:
  - 1. The applicant, the owner, and any occupant of the subject property;
  - 2. All property owners of record within a minimum 500 foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Community Development Director to provide adequate public notification;
  - 3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
  - 4. Any person or group who has filed a written request for notice regarding the specific application.
- B. Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 500, instead of a mailed notice, the Community Development Director (or City Clerk for City Council hearings) may provide notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation in the City, at least 10 days prior to the hearing not including the hearing date.
- C. Posted Notice.** For project sites larger than five acres, the Community Development Director may require notice be posted in a format approved by the Planning Division, in a prominent place on or near the subject property site at least 10 days before the hearing date, in the following manner:
  - 1. For corner lots, signs shall be posted on each street frontage.
  - 2. The signs shall be located in a conspicuous place on the property abutting a street not more than 10 feet inside the property line, but no closer than five feet to a property line.
  - 3. The sign(s) may be posted in windows when there is an existing structure on site that is not set back from the street.
  - 4. The sign shall be 12 feet square in sign area, generally measuring three feet by four feet. Support elements for the sign shall be made of four-inch by four-inch wood posts.
  - 5. The sign shall be removed within 10 days of the final decision.
- D. Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Community Development Director shall publish a notice in at least one newspaper of general circulation in the City.
- E. Contents of Notice.** The notice shall include the following information:
  - 1. The location of the real property, if any, that is the subject of the application;
  - 2. A general description of the proposed project or action;
  - 3. The date, time, location and purpose of the public hearing or the date of action when no public hearing is required;
  - 4. The identity of the hearing body or officer;

5. The names of the applicant and the owner of the property that is the subject of the application;
  6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
  7. A statement that any interested person or authorized agent may appear and be heard;
  8. A statement describing how to submit written comments;
  9. A statement that the proposed project received a recommendation by the Planning Commission for a City Council hearing;
  10. CEQA review and compliance for the proposed project.
- F. Failure to Notify Individual Properties. The validity of the proceedings shall not be affected by the failure of any property owner, resident or community organization to receive mailed notice.

#### **17.25.070 Conduct of Public Hearings**

Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

- A. Generally. Hearings shall be conducted pursuant to procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. Scheduling. Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Community Development Director.
- C. Presentation. An applicant or an applicant's representative may make a presentation of a proposed project.
- D. Public Hearing Testimony. Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.
- E. Time Limits. The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. Continuance of Public Hearing. The hearing body may by motion continue the public hearing to a fixed date, time and place, or may continue the item to an undetermined date.
- G. Investigations. The hearing body may cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Such investigation may be made by a committee of one or more members of the hearing body or by City staff. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the Review Authority.
- H. Decision. The public hearing shall be closed before a vote is taken.

### **17.25.080 Findings and Decision**

When deciding to approve, approve with conditions, modify, revoke, or deny any discretionary permit under this Title, the Review Authority shall issue a Notice of Action and make findings of fact as required by this Title.

- A. Date of Action.** The Review Authority shall decide to approve, modify, revoke or deny any discretionary permit following the close of the public hearing, or if no public hearing is required, within the time period set forth below. These deadlines do not apply to any action that has been appealed to the City Council in accordance with Section 17.25.130, Appeals. Time extensions may be granted pursuant to Section 17.25.100, Expiration and Extension.
  - 1. Project Exempt from Environmental Review.** Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
  - 2. Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.** Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall act on the accompanying discretionary project.
  - 3. Project for which an EIR is Prepared.** Within 180 days from the date the Review Authority certifies a Final EIR, the City shall act on the accompanying discretionary project.
- B. Notice of Action.** After the Community Development Director or Planning Commission takes any action to approve, modify or deny an application that is subject to appeal under the terms of this Title, the Community Development Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decisions. The Community Development Director, or their designee, shall mail the Notice to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.
- C. Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

### **17.25.090 Conditions of Approval**

- A. Scope.** The scope of approvals includes only those uses and activities proposed in the application, excluding other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.
- B. Conditions.** The site plan, floor plans, building elevations and/or any additional information or representation, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with submitted plans and conditions in all respects.
- C. Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, to either violate any provision of this Title or require additional permits, then the approval shall be deemed null and void.

- D. Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

#### **17.25.100 Expiration and Extension**

- A. Effective Dates.** A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the 11th day following the date of the action.
- B. Expiration.** The Review Authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Title shall automatically expire when no project or use has been exercised within one year after the date of the approval and become null and void.
- C. Exercise of Permit.**
  - 1. Exercise of Planning Approval or Permit.** A permit for the use of a building or property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.
  - 2. Exercise of Building Permit.** A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- D. Extensions.** The Community Development Director may approve up to a two-year extension of any permit or approval granted under this Title upon receipt of a written application with the required fee within the time period specified by the Review Authority, or two years of the date of the approval.

#### **17.25.110 Revisions to an Approved Permit**

No revision in the use or structure for which a permit or other approval has been issued is permitted unless the permit is revised as provided for in this Title. For this Section, the revision of a permit may include revision of a Design Review approval.

- A. Minor Revisions.** The Community Development Director may approve minor revisions to approved plans and permits that are consistent with the original findings and conditions approved by the Review Authority, do not substantially expand the approved floor area, and would not intensify any potentially detrimental effects of the project.
- B. Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision to an approved site plan or building plan that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same Review Authority as the approved permit.

### **17.25.120 Revocation of Permits**

Any permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A.** Initiation of Proceeding. Revocation proceedings may be initiated by the City Council, Planning Commission, or Community Development Director.
- B.** Public Notice, Hearings and Action. After conducting a duly noticed public hearing, the Planning Commission shall act on the proposed revocation, pursuant to Chapter 17.25, Common Procedures.
- C.** Required Findings. The Planning Commission may revoke or modify the permit if it makes any of the following findings:
  - 1.** The approval was obtained by means of fraud or misrepresentation of a material fact;
  - 2.** The use, building or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character;
  - 3.** The use in question has ceased to exist or has been suspended for six months or more;
  - 4.** There is or has been a violation of or failure to observe the terms or conditions of approval, or the use has been conducted in violation of the provisions of this Title, or any applicable local or State law or regulation; or
  - 5.** The use has been conducted in a manner detrimental to the public safety, health and welfare, or to be a nuisance.
- D.** Notice of Action. Following Planning Commission action to revoke or modify a permit, the Community Development Director shall issue a Notice of Action within seven days. The Notice shall describe the Commission's action with its findings. The Community Development Director, or their designee, shall mail notice to the permit holder and to any person or entity who requested the revocation proceeding.

### **17.25.130 Appeals**

Except where otherwise provided, any decision provided for in this Title may be appealed in accordance with the provisions of Chapter 17.31.070, Appeals, Expiration, and Extensions, of the Municipal Code.

- A.** Appeal Body.
  - 1.** Planning Commission. The Planning Commission is the appeal body for decisions of the Community Development Director.
  - 2.** City Council. The City Council is the appeal body for decisions of the Planning Commission.

### **17.25.140 Interpretations and Determinations**

Requests for interpretations of this Title and verifications relating to prior approvals or permits may be made to the Community Development Director. Requests shall be in writing. The decision of the Community Development Director on such requests may be appealed under Section 17.25.130, Appeals.

## **Chapter 17.26 Zoning Clearance**

Subsections:

17.26.010 Purpose

17.26.020 Applicability

17.26.030 Review Authority

17.26.040 Procedures

### **17.26.010 Purpose**

This Chapter establishes procedure to verify that each new or expanded use, activity or structure complies with all the applicable requirements of this Title and conditions of any discretionary approval that the City has granted previously.

### **17.26.020 Applicability**

A Zoning Clearance is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Title.

### **17.26.030 Review Authority**

The Community Development Director or their designee shall act as the Review Authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

### **17.26.040 Procedures**

- A.** Application. Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section 17.25.020, Application Forms and Fees. The Community Development Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable Design Review, Use Permit or other discretionary land use approval.
- B.** Determination. If the Community Development Director determines that the proposed use or building is allowed as a matter of right by this Title and conforms to all the applicable development and use standards, the Community Development Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Title. Prior to issuing any building permit, subdivision approval, or lot line adjustment, the Community Development Director shall review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Title or any applicable Design Review, Use Permit or other discretionary land use approval and that all conditions of such permits and approvals have been satisfied.
- C.** Exceptions. No Zoning Clearance shall be required for the continuation of previously approved or permitted uses and structures or uses and structures that are not subject to any building or zoning regulations.

- D. Lot Line Adjustments. The Planning Division shall review lot line adjustment requests with the development standards of the Zoning Code through the Zoning Clearance process and provide input to the Public Works/Engineering Department.

## **Chapter 17.27 Site Plan and Design Review**

Subsections:

17.27.010 Purpose

17.27.020 Applicability

17.27.030 Review Authority

17.27.040 Applicability

17.27.050 Procedures

17.27.060 Site Plan and Design Review Criteria

17.27.070 Appeals, Expiration, Extensions, and Revisions

### **17.27.010 Purpose**

This Chapter establishes procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the Site Plan and Design Review process are to:

- A.** Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B.** Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C.** Supplement other City regulations and standards to ensure control of aspects of site planning and design that are not otherwise addressed.

### **17.27.020 Applicability**

Site Plan and Design Review is required in specific areas of the City covered by design guidelines adopted by the City Council and is required for all new construction and other activities as identified in the applicable design guidelines.

### **17.27.030 Review Authority**

- A.** Planning Commission. The Planning Commission shall act as the Review Authority for all Commercial and Industrial projects over 15,000 square feet or that propose increasing the existing building by more than 10%, requiring Planning Commission review with final approval by City Council.
- B.** Community Development Director. The Community Development Director shall act as the Review Authority for all projects that do not meet the criteria listed in the above Subsection A. for a decision by the Planning Commission. The Community Development Director may refer items directly to the Planning Commission when in their opinion the public interest would be better served by having the Planning Commission conduct Site Plan and Design Review.

**17.27.040 Application**

- A.** Application Forms and Fees. Written applications for Site Plan Design Review shall be submitted to the Planning Division pursuant to Section 17.25.020, Application Forms and Fees.
- B.** Concurrent Processing. When a development project requires a Use Permit, Variance or any other discretionary approval, the Site Plan and Design Review application shall be submitted to the Planning Division as a part of the application for the discretionary permit or approval.

**17.27.050 Procedures**

- A.** Concurrent Review. If a project requires any Use Permit, Variance or other discretionary approval other than Site Plan and Design Review, the design review shall be conducted concurrently with the discretionary permit.
- B.** Noticing. If a project does not require any Use Permit, Variance or other discretionary approval other than Design Review, the Planning Division shall provide public notice and input in the following manner:
  - 1.** Mailed Notice. The Planning Division shall provide mailed notice of the project pursuant to Subsection 17.25.060.A. Mailed Notice.
  - 2.** Public Input. Any person may submit written comments on the project to the Community Development Director. For the comments to be considered in the determination of the project, the comments must specifically relate to the project's conformity to adopted design guidelines. A comment letter must be received by the Community Development Director within 14 days of the mailed notice of application for Design Review. Late comments will be considered only if the project has not been approved or denied prior to the comments being received.
  - 3.** Community Development Director Action. If no comment letter has been received within 14 days of the mailed notice of application, the Community Development Director may issue comments or approve the project at any time.

**17.27.060 Site Plan and Design Review Criteria**

The sole criteria for evaluation under the Site Plan and Design Review process shall be in compliance with the adopted City design guidelines of the area in which the proposed project is located. All projects shall be consistent with applicable design guidelines. An application may be denied if the information provided by the applicant is insufficient to determine compliance with the guidelines.

**17.27.070 Appeals, Expiration, Extensions and Revisions**

- A.** Appeals. Site Plan and Design Review decisions may be appealed to the Planning Commission as provided for in Section 17.25.130, Appeals.
- B.** Expiration, Extensions and Revisions. Site Plan and Design Review approvals may only be expired, extended or modified as provided for in Chapter 17.25, Common Procedures.

## **Chapter 17.28 Use Permits**

Subsections:

17.28.010 Purpose

17.28.020 Applicability

17.28.030 Review Authority

17.28.040 Application

17.28.050 Public Notice and Hearing

17.28.060 Required Findings

17.28.070 Conditions of Approval

17.28.080 Appeals, Expiration, Extensions, and Revisions

### **17.28.010 Purpose**

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zone where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

### **17.28.020 Applicability**

Approval of a Use Permit is required for uses or developments specifically identified in Article II, Zone Regulations, and/or any other section of this Title which requires a Use Permit.

- A.** Conditional Use Permits. Conditional Use Permits are provided for the individual review of uses at specific locations to ensure that their operation will be compatible with surrounding areas and uses.
- B.** Minor Use Permits. Minor Use Permits are provided for the individual review of a use at a specific location to ensure that their operation will be compatible with surrounding areas and uses. Minor Use Permits are provided for certain uses to expedite the processing of applications by allowing staff review and approval. Minor Use Permits are provided for uses which require individual scrutiny but are generally less potentially impactful than uses for which a Conditional Use Permit is required.

### **17.28.030 Review Authority**

- A.** Conditional Use Permits. The Planning Commission shall act as the Review Authority for Conditional Use Permits based on consideration of the requirements of this Chapter.
- B.** Minor Use Permits. The Community Development Director shall act as the Review Authority for Minor Use Permits based on consideration of the requirements of this Chapter. The Community Development Director may, at their discretion, refer any application for a Minor Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.

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**17.28.040 Application**

Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Section 17.28.060, Required Findings.

**17.28.050 Public Notice and Hearing**

- A.** Conditional Use Permits. All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 17.25, Common Procedures.
- B.** Minor Use Permits. All applications for Minor Use Permits shall require notification of adjacent properties, including property owners and occupants. Administrative approval shall entail project review by applicable departments and approval by the Community Development Director.

**17.28.060 Required Findings**

- A.** Findings. The Review Authority must make all of the following findings to approve or conditionally approved a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.
  - 1.** The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Title and all other titles of the Irwindale Municipal Code;
  - 2.** The proposed use is consistent with the General Plan and any applicable Specific Plan;
  - 3.** The proposed use will not be averse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
  - 4.** The proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Title;
  - 5.** The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
  - 6.** The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints.

**17.28.070 Conditions of Approval**

- A.** Conditions. In approving a Use Permit, the Review Authority may impose reasonable conditions or restrictions to achieve the following outcomes. The Review Authority may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
  - 1.** Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
  - 2.** Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;

3. Achieve the findings for a Use Permit listed in Section 17.28.060, Required Findings; or;
4. Mitigate any potentially significant impacts identified because of environmental review conducted in compliance with the California Environmental Quality Act.

**17.28.080 Appeals, Expiration, Extensions and Revisions**

- A. Appeals. Use Permit decisions may be appealed as provided for in Section 17.25.130, Appeals.
- B. Expiration, Extensions and Revisions. Use Permit approvals may only be expired, extended or modified as provided for in Chapter 17.25, Common Procedures.

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## Chapter 17.29 Temporary Use Permits

### Subsections:

- 17.29.010 Purpose
- 17.29.020 Applicability
- 17.29.030 exempt Temporary Uses
- 17.29.040 Allowed Temporary Uses
- 17.29.050 Application Filing and Processing Procedures
- 17.29.060 Standards
- 17.29.070 Findings and Decision
- 17.29.080 Conditions of Approval
- 17.29.090 Conditions of Site Following Temporary Use
- 17.29.100 Modification
- 17.29.110 Appeals
- 17.29.120 Revocation of Temporary Use Permits

### **17.29.010 Purpose**

This Chapter establishes procedures for the granting of Temporary Use Permits that do the following:

- A.** Allow for short-term activities requiring individual consideration but not intensive review; and
- B.** May not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary, short-term nature.

### **17.29.020 Applicability**

Temporary land use activities shall not be conducted, established or operated in any manner without the approval and maintenance of a valid permit, if required in compliance with this Section. The following categories of temporary uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

- A.** Exemptions. Exempt temporary uses are identified in IMC Section 17.29.030, below;
- B.** Allowed by Right. Temporary uses identified by Article II Zoning District Regulations as allowed by right, subject to compliance with applicable standards (e.g., tents); or
- C.** Temporary Use Permit Required. Temporary Use Permits are required for all activities identified in IMC Section 17.29.040, below.

### **17.29.030 Exempt Temporary Uses.**

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with IMC Section 17.29.040, below.

- A.** City Hall. Any temporary activities conducted at City Hall.
- B.** Construction Yards - On-Site. On-site contractors' construction yards in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

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- C. Emergency Facilities. Emergency public health and safety needs/land use activities.

#### **17.29.040 Allowed Temporary Uses.**

The following temporary uses may be allowed, subject to the issuance of a Temporary Use Permit by the Community Development Director. Uses that do not fall within the categories defined below shall comply with the use and development regulations and land use permit review provisions that otherwise apply to the property.

- A. Construction Yards - Off-site. Off-site contractors' construction yards, in conjunction with an approved construction project for a maximum period of 12 months. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs. (See also Subsection 5., below, regarding temporary work trailers.)
- B. Temporary Model Homes. Temporary model homes and related facilities may be established within the area of an approved residential subdivision project, solely for the first sale of homes. The application may be approved for a maximum time period of 18 months.
- C. Temporary Real Estate Sales Offices. A temporary real estate sales office may be established within the area of an approved development project solely for the first sale of homes. The application for a temporary real estate office may be approved for a maximum time period of 18 months.
- D. Temporary structures. A temporary classroom, office or similar portable structure, including a manufactured or mobile unit, may be approved for a maximum time period of 12 months, as an accessory use or as the first phase of a development project in the commercial and industrial zoning districts.
- E. Temporary work trailers.
  - 1. A trailer or mobile home may be used as a temporary work site for employees of a business:
    - a. During construction of a subdivision or other development project when a valid Building Permit is in force; or
    - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
  - 2. A permit for temporary work trailers may be granted for up to 12 months.
- F. Similar Temporary Uses. Similar temporary uses which, in the opinion of the Community Development Director, are compatible with the zoning district and surrounding land uses and are necessary because of unusual or unique circumstances beyond the control of the applicant.

#### **17.29.050 Application Filing and Processing Procedures**

An application for a Temporary Use Permit shall be filed with the Department and processed in the following manner.

- A. Application Requirements. An application for a Temporary Use Permit shall be accompanied by the information identified in the Department handout for Temporary Use Permit applications. The applicant shall be responsible for providing the evidence in support of the findings required by IMC Section 17.29.070, below.

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- B. Time for Filing.** An application for a Temporary Use Permit shall be submitted for approval, in compliance with this Section, at least 10 days before the date that the proposed use is scheduled to take place.
  - C. Applicable Review Authority.** The Community Development Director shall be the applicable review authority for Temporary Use Permits.
  - D. Public Hearing Requirements.** Notice of a public hearing shall not be required for the Community Development Director's decision on a Temporary Use Permit.
  - E. Action.** The Community Development Director shall make a decision on the application within three days of deeming the application complete, in compliance with Section 17.25.030 (Initial Application Review).
  - F. Effective Dates.** A Temporary Use Permit shall be effective one day after its approval.

### **17.29.060 Standards**

Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development standards for temporary uses.

- A. Adjustment of Standards.** The Community Development Director may authorize an adjustment from the specific standards deemed appropriate or necessary consistent with the temporary nature of the use.
- B. Removal of Materials and Structures Associated with the Temporary Use.** All materials and structures associated with the temporary use shall be removed from the site within 10 days from the actual termination of operations, or after the expiration of the Temporary Use Permit, whichever first occurs.
- C. Other permits required.** Temporary uses may be subject to additional licenses, inspections or permits required by applicable local, State or Federal requirements.
- D. Duration of permit.**
  - a.** A Temporary Use Permit shall be effective until the date specified by the Community Development Director, and not exceed 45 days, unless otherwise specified in this Section.
  - b.** The permit shall become void if not used within the approved time period.

### **17.29.070 - Findings and Decision**

The Community Development Director may approve, conditionally approve or disapprove an application for a Temporary Use Permit. The Community Development Director may defer action and refer the application to the Planning Commission for review and decision at a scheduled public hearing. The Community Development Director may approve a Temporary Use Permit only after first finding that:

- A. Operations.** The proposed temporary use would be located, operated, and maintained in a manner in conformance with the goals, policies, and objectives of the General Plan and the provisions of this Zoning Code.

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- B. Safety.** The establishment, maintenance or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use.
  - C. Use.** The use, as described and conditionally approved, would not be detrimental or injurious to property or improvements in the surrounding area or to the public health, safety or general welfare of the City.
  - D. Site Restoration.** Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code.

#### **17.29.080 Conditions of Approval**

In approving a Temporary Use Permit, the Community Development Director may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by IMC Section 17.29.070 above, and to preserve the public health, safety and general welfare.

#### **17.29.090 Condition of Site Following Temporary Use**

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall thereafter be used in compliance with the provisions of this Zoning Code. The Community Development Director may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

#### **17.29.100 Modification**

The Community Development Director may require changes in the terms or conditions of an approved Temporary Use Permit at any time while it is in effect, if needed to ensure that the use may continue to operate consistent with the required findings identified in IMC Section 17.29.080, above.

#### **17.29.110 Appeals**

An applicant who is denied a permit by the Community Development Director shall be entitled to appeal such decision to the Planning Commission by a written request filed with the City clerk within ten days of notification of the decision by the Community Development Director. Appeals shall be conducted and processed in accordance with this Code.

**17.29.120 Revocation of Temporary Use Permit**

Whenever the Community Development Director determines that a temporary use authorized is in violation of the conditions of approval, or in violation of any provision of this Code or other law or regulations, the Community Development Director may revoke the Temporary Use Permit effective immediately upon verbal or written notice for violation of the terms of the permit.

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## Chapter 17.30 Special Event Permits

### Subsections:

- 17.30.010 Purpose and Intent
- 17.30.020 Applicability
- 17.30.030 Exempt Special Events
- 17.30.040 Application – Special Event Permits
- 17.30.050 Other Permits and Fees Required
- 17.30.060 Investigation – Special Event Permits
- 17.30.070 Action on Application by Community Development Director
- 17.30.080 Appeals
- 17.30.090 Revocation of Special Event Permit
- 17.30.100 Violation-Penalty
- 17.30.110 Abatement of Nuisance

### **17.30.010 Purpose and Intent**

The purpose of this chapter is to provide a procedure by which special events may be approved and require certain conditions be attached in order to ensure that these events will be compatible with adjacent land uses and the environment.

### **17.30.020 Applicability**

- A.** Purpose. No person shall operate, and no business license shall be issued for any of the following special events until approval for the special event has first been obtained therefor, in writing, for such use pursuant to the provisions of this chapter:
1. Amusement rides, arts and crafts exhibits, auctions, automobile related activities, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food markets/events, outdoor entertainment/sporting events and swap meets limited to ten consecutive days or less, or five two-day weekends, within a 12-month period. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.
  2. Outdoor display and sale events conducted by a retail business, including special event sales in parking lots and/or private sidewalks, bake sales, rummage sales, etc., limited to not more than three consecutive days in duration, nor more than four events per calendar year (but excludes residential garage sales). These displays are limited to non-profit charitable organizations and those merchants with a permanent location on the site where the special event sale is to be held. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended
  3. Outdoor meetings and group activities/assemblies for seven consecutive days or less, within a 12-month period.
  4. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots), issued in compliance with Municipal Code Section 9.64.020 (Business License Required); provided, the activity may only be held from October 1<sup>st</sup> through October 31<sup>st</sup> of the same year for the Halloween pumpkin

sales, and from the day after Thanksgiving through December 26<sup>th</sup> of the same year for Christmas tree sales.

5. Athletic events, parades and public assemblies, occurring on or within the public rights-of-way or other publicly owned property.
6. Car washes, limited to four events each calendar year for each site, not exceeding three days in length, and prohibited within the residential zones of the City. Sponsorship shall be limited to charitable, educational, fraternal, religious, schools, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.

### **17.30.030 Exempt Special Events**

The following special event activities are permitted with City Council approval.

- A. Fireworks Sales. All firework sales within the City require prior approval by the City Council.

### **17.30.040 Application—Special Event Permit**

- A. Application. An application, provided by the Planning Division, shall be submitted to the Community Development Director a minimum of thirty days prior to the inception date of the requested event. The application for a special event shall contain at least all of the following information:
  1. Required fee with application submittal.
  2. Event title.
  3. Event description.
  4. Estimated number of people attending the event.
  5. Host organization.
  6. Applicant's name, address and phone numbers.
  7. Property owner's name, address and phone numbers.
  8. Name of the event organizer, chairperson or designee and their phone number.
  9. Dates and times of the event, including set-up and clean-up days/times.
  10. Location of the event.
  11. A detailed site plan describing the location of the use, pedestrian, and vehicular circulation in and around the subject area.
  12. Any temporary structures to be erected, including tents, portable stages, etc. Location(s) shall be shown on detailed site plan.
  13. Equipment to be used, including sound amplification, electrical generators, temporary power poles, etc.
  14. Traffic and parking plan.
  15. Provisions for alcohol and/or food at the event.

16. Property Owner's and Applicant's Certification.
17. Applicant completed and signed "Indemnification Clause for Special Event."
18. Certificate of insurance.
19. Security plan.

#### **17.30.050 Other Permits and Fees Required**

- A. Special Event Permits. A Special events may be subject to additional licenses, inspections, or permits required by applicable local, state, or federal requirements.
- B. Fees and Conditions. The Community Development Director or their designee may determine whether additional fees should be assessed (before issuance of the permit) to meet the expenses of maintaining public health, safety and welfare, such as, but not limited to: placing barricades, lighting and traffic control devices and providing police officers for crowd control at the special event.

#### **17.30.060 Investigation—Special Event Permit**

- A. Review. The Community Development Director or their designee, shall immediately forward copies of the application and any attachments to every City department which would or could be affected by the proposed special event.
- B. Recommendations. Each such department shall investigate and respond in writing to the Director or their designee with recommendations on the application within fifteen days of transmittal thereof.

#### **17.30.070 Action on Application by Director**

- A. Authority. Except as otherwise provided in this code, the Community Development Director, after investigation of the application, may approve, conditionally approve or deny a permit. The Community Development Director shall have the right to refuse to issue such permit if he or she determines that the granting of same or the conduct of the business will be contrary to the preservation of the public peace, health, safety or welfare of the City or its inhabitants.
- B. Conditions and Restrictions. If such permit is granted, the Community Development Director may impose such terms, conditions and restrictions upon the operation and conduct of such business, not in conflict with any paramount law, as he or she may deem necessary or expedient to protect the public peace, health, safety or welfare of the City or its inhabitants.

#### **17.30.080 Appeals**

Any applicant for such a permit who is denied a permit by the Community Development Director shall be entitled to appeal such decision to the Planning Commission by a written request filed with the City Clerk within ten days of notification of the decision by the Community Development Director. Appeals shall be conducted and processed in accordance with this title.

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**17.30.090 Revocation of Special Event Permit**

Whenever the Community Development Director determines that a special event authorized hereunder is being or may be conducted in violation of the conditions of approval thereon, or in violation of any provision of this code or other law or regulations, the Community Development Director may revoke the Special Event Permit effective immediately upon verbal or written notice for violation of the terms of the permit.

**17.30.100 Violation—Penalty**

It is unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of this chapter. Any person, firm, partnership or corporation violating any provisions of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each and every person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefor as provided in this chapter.

**17.30.110 Abatement of Nuisance.**

The violation of any of the provisions of this chapter shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

## Chapter 17.31 Minor Variances

Subsections:

- 17.31.010 Purpose
- 17.31.020 Applicability
- 17.31.030 Application
- 17.31.040 Procedures
- 17.31.050 Required Findings
- 17.31.060 Conditions of Approval
- 17.31.070 Appeals, Expiration and Extensions

### 17.31.010 Purpose

This section allows for adjustments to certain Zoning Code provisions to allow creative design solutions and to accommodate unique site conditions. Adjustments are not intended to convey special privileges to a property beyond what would be otherwise permitted within the zoning district and are only for minor deviations from the code. See the Variances section in 17.32 for more significant deviations from the Code and Chapter 17.13.080 Height and FAR Exceptions.

### 17.31.020 Applicability

Minor variances may be granted as specifically identified in any other section of this Title and as follows:

**A. Dimensional Requirements.**

An adjustment may be granted to modify certain requirements of this Zoning Code, as listed in Table 17.31.010-1 Minor Variance Amounts Allowed. For an item that is not listed, the Community Development Director can reduce or increase the standard by up to 20%.

Table 17.31.010 Minor Variance Amounts Allowed	
Standard	Maximum Reduction or Increase
Parking or loading spaces – number required	10%
Setbacks (reduction in required setback)	20%
Maximum lot coverage (increase in coverage)	10%
Maximum height (increase in height)	10%
Fence/wall height (increase in height)	Up to 2 feet increase in height
Landscaping (decrease in required area)	10%

**B. Exclusions.** Minor variances cannot be granted for any of the following standards:

1. Lot area, width or depth.

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2. Residential density.

**17.31.030 Application**

An application for a Minor Variance shall be filed to the Planning Division in accordance with Section 17.25.020, Application Forms and Fees. The application shall state in writing the nature of the request and explain how the required findings are satisfied. The applicant shall also submit plans delineating the requested Modification.

**17.31.040 Procedures**

- A. Review Authority. The Community Development Director shall act as the Review Authority for Minor Variance applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection B.
- B. Concurrent Processing. If a request for a Minor Variance is being submitted in conjunction with an application for another approval, permit or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
- C. Public Notice and Hearing. Minor Variances do not require a public hearing or notice.

**17.31.050 Required Findings**

The Community Development Director must make all of the following findings in order to approve a Minor Variance application. The inability to make one or more of the findings is grounds for denial of an application.

- A. Variance. The Minor Variance is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to: topography, noise exposure, irregular property boundaries, or other unusual circumstances;
- B. No Equivalent Alternatives. There are no alternatives to the requested Minor Variance that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public; and
- C. Safety of Request. The granting of the requested Minor Variance would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

**17.31.060 Conditions of Approval**

In approving a Modification, the Review Authority may impose any conditions deemed necessary to comply with:

- A. Conformity. Ensure that the proposal conforms in all significant respects with the General Plan, Zoning Code, and with any other applicable plans or policies adopted by the City Council;
- B. Consistency with Zoning. Achieve the general purposes of this Title or the specific purposes of the zone in which the project is located;

- C. Required Findings. Achieve the findings for an Minor Variance granted; or
- D. CEQA Requirements. Mitigate any potentially significant impacts identified because of review conducted in compliance with the California Environmental Quality Act (CEQA).

**17.31.070 Appeals, Expiration, Extensions and Revisions**

- A. Appeals. Minor Variance decisions may be appealed as provided for in Section 17.25.130, Appeals.
- B. Expiration, Extensions and Revisions. Minor Variances may only be expired, extended, or modified as provided for in Chapter 17.25, Common Procedures.

## **Chapter 17.32 Variances**

### Subsections:

- 17.32.010 Purpose
- 17.32.020 Applicability
- 17.32.030 Review Authority
- 17.32.040 Application
- 17.32.050 Procedures
- 17.32.060 Required Findings
- 17.32.070 Conditions of Approval
- 17.32.080 Appeals, Expiration and Extensions

### **17.32.010 Purpose**

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where it would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

### **17.32.020 Applicability**

Variances may be granted to vary or modify dimensional and performance standards but may not be granted to allow uses or activities that this Title does not authorize for a specific lot or size.

### **17.32.030 Review Authority**

The Planning Commission shall act as the Review Authority for variance applications based on consideration of the requirements of this Chapter.

### **17.32.040 Application**

Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Section 17.25.020, Application Forms and Fees. In addition to any other application requirements, the application for a Variance shall include evidence showing that the requested Variance conforms to the required findings set forth in Section 17.31.060, Required Findings.

### **17.32.050 Procedures**

- A.** Public Notice. An application for a Variance shall require a public notice prior to the Planning Commission decision, pursuant to Section 17.25.060, Public Notice.
- B.** Public Hearing. An application for a Variance shall require a public hearing before the Planning Commission, pursuant to Section 17.25.070, Conduct of Public Hearings.

### **17.32.060 Required Findings**

After conducting a public hearing, the Planning Commission must make all of the following findings in order to approve or conditionally approve a Variance application. The Planning Commission shall deny an application for a variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A.** Exceptional or Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of a variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;
- B.** Special Property Circumstances. The variance is a process for the City to waive or modify certain standards of the Zoning Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography or other physical features, the strict application of the Code denies the property owner privileges enjoyed by other property owners in the same zone. A variance cannot be used to grant a special privilege not afforded to other property owners similarly situated;
- C.** Physical Hardship. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- D.** No Determent to Public Welfare. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience; and
- E.** Consistency. The granting of the variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans and the General Plan.

### **17.32.070 Conditions of Approval**

In approving a variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 17.31.050, Required Findings, and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

### **17.32.080 Appeals, Expiration, Extensions and Revisions**

- A.** Appeals. Variance decisions may be appealed as provided for in Section 17.25.130, Appeals.
- B.** Expiration, Extensions and Revisions. Variances may only expire, be extended, or be revised as provided for in Chapter 17.25, Common Procedures.

## **Chapter 17.33 Reasonable Accommodation**

Subsections:

- 17.33.010 Purpose
- 17.33.020 Applicability
- 17.33.030 Review Authority
- 17.33.040 Application
- 17.33.050 Procedure
- 17.33.060 Required Findings
- 17.33.070 Conditions of Approval
- 17.33.080 Appeals, Expiration, Extensions and Revisions

### **17.33.010 Purpose**

This Chapter establishes the procedures 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 (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures and conditions of approval.

### **17.33.020 Applicability**

- A.** Applicants. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B.** Qualifying Applicants. 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.
- C.** Qualifying Accommodations. A request for Reasonable Accommodation may include a change or exception to the practices, rules and standards for the development, siting, 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.

### **17.33.030 Review Authority**

The Community Development Director and the Building Official shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application. The Community Development Department will also coordinate the application for review by Building and Safety.

### **17.33.040 Application**

- A.** Required Elements. An application for a Reasonable Accommodation shall be prepared, filed, and processed in compliance with Section 17.25.020, Application Forms and Fees. No notice or public hearing is required for a Reasonable Accommodation request. In addition to any other information

required under the Irwindale Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

1. Description of the accommodation request;
2. The applicant's name, address and telephone number;
3. Location of the subject property, including address and assessor's parcel numbers;
4. Name and address of the property owner and the owner's written consent to the application;
5. The current actual use of the subject property;
6. Verifiable documentation of the individual's disability status;
7. The regulation(s), policy, or procedure for which accommodation is sought;
8. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
9. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

#### **17.33.050 Procedures**

The Community Development Director shall make a written determination within 45 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section 17.32.060, Required Findings.

#### **17.33.060 Required Findings**

The Community Development Director must consider all the following factors to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Use. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Necessity. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Undue Financial Burden. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Request Results in Change of Land Use or Zoning. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

#### **17.33.070 Conditions of Approval**

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

**17.33.080 Appeals, Expiration, Extensions and Revisions**

- A.** Appeals. Reasonable Accommodation decisions may be appealed as provided for in Section 17.25.130, Appeals.
- B.** Expiration, Extensions and Revisions. Reasonable Accommodations may only be expired, extended, or revised as provided for in Chapter 17.25, Common Procedures. Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

## Chapter 17.34 Development Agreements

### Subsections:

- 17.34.010 Purpose
- 17.34.020 Applicability
- 17.34.030 Review Authority
- 17.34.040 Procedures
- 17.34.050 Planning Commission Hearings and Recommendation
- 17.34.060 City Council Hearings and Action
- 17.34.070 Required Findings
- 17.34.080 Execution and Recordation
- 17.34.090 Periodic Review
- 17.34.100 Amendments
- 17.34.110 Effect of Approved Agreement
- 17.34.120 Enforcement

### **17.34.010 Purpose**

This Chapter establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules and regulations in effect at the time of the approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

### **17.34.020 Applicability**

- A.** Provisions. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between those statutory provisions and this Chapter, the statutes shall control.
- B.** Development Agreement. A Development Agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.

### **17.34.030 Review Authority**

- A.** Community Development Director. The Community Development Director, or their designee, shall coordinate the negotiations of specific components and provisions of the Development Agreement on behalf of the City for Planning Commission review and recommendation to the City Council. The Community Development Director may request input from other affected Departments as needed.
- B.** Planning Commission. The Planning Commission shall act as the advisory body and review the Development Agreement to provide recommendations to the City Council.

- C. City Council. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject or modify a Development Agreement based on consideration of the requirements of this Chapter.

#### **17.34.040 Procedures**

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this Section, this Section shall control.

- A. Application Requirements. Applications for Development Agreements shall be filed with the Community Development Department in accordance with the provisions set forth in Section 17.25.020, Application Forms and Fees. In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Section 17.34.070, Required Findings.
- B. Contents of Development Agreements.
  - 1. Required Contents. A Development Agreement shall specify its duration, the permitted uses of the subject property, the general location and density or intensity of uses, the general location, maximum height and size of proposed buildings and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability (assignment).
  - 2. Additional Contents. Development Agreements may also include the following:
    - a. Improvements and Fees. A Development Agreement may include requirements for construction and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.
    - b. Conditions. A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.
    - c. Phasing. A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time. Schedule of performance (timeline).
    - d. Financing. If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
    - e. Indemnity. A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.
    - f. Performance Obligation Fees. A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.
    - g. Other Items. Other components and provisions as negotiated by City.

- C. **Concurrent Processing.** It is the intent of this Chapter that the application for a Development Agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, Planned Development, and Conditional Use Permits. If combined with an application for rezoning, Planned Development, or Conditional Use Permit, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval.

#### **17.34.050 Planning Commission Hearings and Recommendations**

- A. **Notice.** Public notice of hearings by the Planning Commission for a Development Agreement shall be given as specified in Section 17.25.060, Public Notice. Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
- B. **Hearing.** The Planning Commission shall conduct a public hearing to make recommendations to the City Council in conformance with the provisions of Section 17.25.070, Conduct of Public Hearings.
- C. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development Agreement. The Community Development Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.
  - 1. **Approval.** If the Planning Commission has recommended approval of the Development Agreement, the City Council is required to take final action pursuant to Section 17.33.060, City Council Hearing and Action.
  - 2. **Denial.** If the Planning Commission has recommended against the Development Agreement, the City Council is not required to take any further action unless an appeal is filed in accordance with Section 17.25.130, Appeals.

#### **17.34.060 City Council Hearings and Actions**

- A. **Applicant Execution of Agreement.** A proposed Development Agreement shall be executed by the Applicant before it is placed before City Council for consideration at a public hearing.
- B. **Notice.** Public notice of hearings by the City Council for a Development Agreement shall be given as specified in Section 17.25.060, Public Notice. Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
- C. **Hearing.** The City Council shall hold a public hearing in conformance with the provisions of Section 17.25.070, Conduct of Public Hearings.
- D. **Decision.** After the City Council completes the public hearing, the City Council shall approve, modify, or deny the Development Agreement. Approval of a Development Agreement shall be by ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement.

#### **17.34.070 Required Findings**

The City Council must make the finding that a proposed Development Agreement and its provisions are consistent with the General Plan and any applicable specific plan to approve a Development Agreement. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with the proposed General Plan or specific plan provisions to be adopted concurrently with the approval of the proposed Development Agreement.

#### **17.34.080 Execution and Recordation**

Within 10 days after the ordinance approving the Development Agreement takes effect, the Mayor or their designee shall execute the Development Agreement on behalf of the City, and the City Clerk shall record the Development Agreement with the Los Angeles County Recorder.

#### **17.34.090 Periodic Review**

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year at which time the City Manager or their designee shall review each approved Development Agreement.

- A.** Finding of Compliance. If the City Manager or their designee, based on substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, no action is required.
- B.** Finding of Non-compliance. If the City Manager or their designee finds the applicant has not complied with the provisions of the Development Agreement, the Community Development Director may issue a finding of non-compliance which may be recorded by the City with the Los Angeles County Recorder after it becomes final. The Community Development Director shall specify in writing to the applicant the respects in which the applicant has failed to comply and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter.
- C.** Appeal of Determination. Within 10 days after issuance of a finding of non-compliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of non-compliance and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

#### **17.34.100 Amendment or Cancellation**

- A.** Mutual Agreement. Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this Section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and City Manager or their designee.

- B.** After Finding of Non-compliance. If a finding of non-compliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the City Manager or their designee may refer the Development Agreement to the City Council for termination or revision. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of non-compliance, or rescind the finding of non-compliance, and issue a finding of compliance.
- C.** Recordation. If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the Los Angeles County Recorder.
- D.** Rights of the Parties After Cancellation or Termination. If a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall terminate. If a Development Agreement is terminated following a finding of non-compliance, the City may in its sole discretion, determine to return all benefits, including reservations or dedications of land and payments of fees received by the City.

#### **17.34.110 Effect of Approved Agreement**

- A.** Existing Rules and Regulations. Unless otherwise specified in the Development Agreement, the City's rules, regulations and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations and official policies in force on the effective date of the Development Agreement.
- B.** Future Rules and Regulations. A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use project or authorization for the project on the basis of such rules, regulations and policies. Unless otherwise specified in the Development Agreement, a Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals.
- C.** State and Federal Rules and Regulations. In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

#### **17.34.120 Enforcement**

The procedures for enforcement, revision, cancellation or termination of a Development Agreement specified in this Section and in Government Code Section 65865.4 or any successor statute, are non-exclusive. A Development Agreement may be enforced, revised, cancelled or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

## **Chapter 17.35 Amendments to the General Plan, General Plan Map, Zoning Code and Zoning Map**

Subsections:

- 17.35.010 Purpose
- 17.35.020 Applicability
- 17.35.030 Review Authority
- 17.35.040 Initiation of Amendment
- 17.35.050 Procedures
- 17.35.060 Planning Commission Hearing and Recommendations
- 17.35.070 City Council Hearing and Action
- 17.35.080 General Plan Consistency Required for Zoning Amendments

### **17.35.010 Purpose**

This Chapter establishes procedures for consideration and review of Amendments to the General Plan, General Plan Map, Zoning Code and/or Zoning Map, when there are compelling reasons to do so. More specifically, this Chapter addresses:

- A.** Amending the General Plan. Amendments to the General Plan, including the General Plan Map, to address changes in State or Federal law and problems and opportunities that were unanticipated at the time of adoption or the last amendment; and
- B.** Amending the Zoning Code and Zoning Map. Amendments to the Zoning Code and Zoning Map, whenever the public necessity, convenience, general welfare or good practice justify such amendment, consistent with the General Plan.

### **17.35.020 Applicability**

The procedures in this Chapter shall apply to:

- A.** General Plan Applicability. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions; and
- B.** Zoning Code Applicability. All proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

### **17.35.030 Review Authority**

The Planning Commission shall act as the advisory body for all Amendments to the General Plan, General Plan Map, Zoning Code, and Zoning Map and provide recommendations to the City Council. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject or modify all Amendments to the General Plan, General Plan Map, Zoning Code and Zoning Map.

### **17.35.040 Initiation of Amendment**

An Amendment to the General Plan, General Plan Map, Zoning Code or Zoning Map may be initiated by any qualified applicant identified in Section 17.25.020, Application Forms and Fees, the Community Development Director or by a motion of the City Council or Planning Commission.

### **17.35.050 Procedures**

- A.** Application. A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 17.25, Common Procedures. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Planning Division may allow Amendments to the General Plan, Zoning Code, and Zoning Map to be processed concurrently with other applications.
- B.** Staff Report. The Community Development Director, or designee, shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 17.35.080, General Plan Consistency Required for Zoning Amendments (if applicable), as well as an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). Applications involving projects for which an environmental document is required shall not be heard until the environmental assessment procedures required by CEQA are satisfied.
- C.** Public Hearing and Notice. All Amendments to the General Plan, Zoning Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. At least 10 days before the date of any public hearing, the Planning Division shall provide notice as provided for in Section 17.25.060, Public Notice. Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

### **17.35.060 Planning Commission Hearing and Recommendation**

- A.** Planning Commission Hearing. Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 17.25.070, Conduct of Public Hearings.
- B.** Recommendation to City Council. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to Section 17.35.080, General Plan Consistency Required for Zoning Amendments (if applicable), and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a Council memo, prepared by the Planning Division, with a copy of the approved minutes from the Planning Commission meeting.
  - 1.** Approval. If the Planning Commission has recommended approval of the proposed amendment, the City Council is required to take final action pursuant to Section 17.35.070, City Council Hearing and Action.

2. Denial. If the Planning Commission has recommended against the proposed amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section 17.25.130, Appeals.

**17.35.070 City Council Hearing and Action**

- A. City Council Hearing. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing in accordance with Section 17.35.070, City Council Hearing and Action. The notice for the hearing shall include a summary of the Planning Commission recommendation.
- B. City Council Action. After the conclusion of the hearing, the City Council may approve, modify or deny the proposed amendment.

**17.35.080 General Plan Consistency Required for Zoning Amendments**

The Planning Commission shall not recommend, and the City Council shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan.

## **Chapter 17.36 Pre-Zoning**

Subsections:

- 17.36.010 Purpose
- 17.36.020 Applicability
- 17.36.030 Procedure
- 17.36.040 Effective Date of Zoning and Time Limit

### **17.36.010 Purpose**

The purpose of this Chapter is to establish a procedure for zoning property upon annexation, subject to review by the Los Angeles Local Area Formation Commission (LAFCO).

### **17.36.020 Applicability**

Any property lying outside of, but adjacent to the City limits and inside its sphere of influence, may be pre-zoned with a City zone classification in compliance with Government Code § 65859 and this Chapter.

### **17.36.030 Procedure**

Zoning of property to be annexed shall be established through initiation and processing in compliance with Government Code § 65859 and according to the procedures established under Chapter 17.34, Amendments to the General Plan, Zoning Code and Zoning Map.

### **17.36.040 Effective Date of Zoning and Time Limit**

The zoning of the property to be annexed shall become effective at the time that annexation to the City becomes effective pursuant to Government Code Section 56000 et. seq. If the subject area has not been annexed to the City within five years of the date of zoning approval, the zoning approval is subject to reconsideration.

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## Chapter 17.37 Enforcement

Subsections:

- 17.37.010 Purpose
- 17.37.020 Enforcement Responsibilities
- 17.37.030 Revocation
- 17.37.040 Nuisance Defined
- 17.37.050 Penalties
- 17.37.060 Remedies
- 17.37.070 Nuisance Abatement

### 17.37.010 Purpose

This Chapter establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Zoning Code and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Title.

### 17.37.020 Enforcement Responsibilities

All departments, officials and public employees of the City vested with the duty or authority to issue permits, certificates or licenses shall comply with the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes which may be in conflict with the provisions of this title and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.

- A. Community Development Director. The Community Development Director, or designee, shall enforce the provisions of this Title pertaining to the use of any land or structure, massing, height and land coverage of structures, open spaces about structures and the dimensions and area of sites upon which structures are located.
- B. Other Officials. Requirements pertaining to health and sanitation, fire protection and building code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this Title and other City, State and Federal regulations, the more restrictive regulations apply.

### 17.37.030 Revocation

Any permit granted under this Title may be revoked in accordance with the provisions in Section 17.25.120, Revocation of Permits, if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

### 17.37.040 Nuisance Defined

Any premises in a condition which is adverse or detrimental to the public peace, health, safety or general welfare of the City of Irwindale. This includes premises that are defective, unsightly, dangerous or in a

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condition of deterioration or disrepair, so that the same will or may cause harm to persons, or which will materially detrimental to properties and/or improvements located in the immediate vicinity of such premises.

#### **17.37.050 Penalties**

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or failing to comply with a mandatory requirement of this Title shall be guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. A person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this Title is committed, continued or permitted by such person, firm or corporation, and shall be punished accordingly.

#### **17.37.060 Remedies**

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to Section 17.37.040, Nuisance Defined, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Planning Commission or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continued compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with; or
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon
- F. Refer to Administrative Citations Section 1.16.070 for issuance of fines.

#### **17.37.070 Nuisance Abatement**

Notices of violation shall be provided, recorded and nuisances abated. According to the procedures of Chapter 8.08.050, Abatement Hearing Resolution and Notice, of the Irwindale Municipal Code.

<b>Chapter 17.24 – Planning Authorities.....</b>	<b>216</b>
17.24.010 Purpose.....	216
17.24.020 City Council .....	216
17.24.030 Planning Commission .....	216
17.24.040 Community Development Director .....	217
17.24.050 Summary of Review Authorities for Decisions and Appeals .....	218
Table 17.24.050-1 Review Authorities for Decisions and Appeals.....	218
<b>Chapter 17.25 Common Procedures.....</b>	<b>221</b>
17.25.010 Purpose.....	221
17.25.020 Application Forms and Fees .....	221
17.25.030 Pre-Application Review .....	222
17.25.040 Review of Applications .....	223
17.25.050 Environmental Review.....	223
17.25.060 Public Notice.....	224
17.25.070 Conduct of Public Hearings .....	225
17.25.080 Findings and Decision .....	226
17.25.090 Conditions of Approval.....	226
17.25.100 Expiration and Extension.....	227
17.25.110 Revisions to an Approved Permit .....	227
17.25.120 Revocation of Permits .....	228
17.25.130 Appeals .....	228
17.25.140 Interpretations and Determinations .....	228
<b>Chapter 17.26 Zoning Clearance .....</b>	<b>229</b>
17.26.010 Purpose.....	229
17.26.020 Applicability .....	229
17.26.030 Review Authority .....	229
17.26.040 Procedures.....	229
<b>Chapter 17.27 Site Plan and Design Review .....</b>	<b>231</b>
17.27.010 Purpose.....	231
17.27.020 Applicability .....	231
17.27.030 Review Authority .....	231
17.27.040 Application.....	232
17.27.050 Procedures.....	232
17.27.060 Site Plan and Design Review Criteria .....	232
17.27.070 Appeals, Expiration, Extensions and Revisions.....	232
<b>Chapter 17.28 Use Permits.....</b>	<b>233</b>
17.28.010 Purpose.....	233
17.28.020 Applicability .....	233
17.28.030 Review Authority .....	233
17.28.040 Application.....	234
17.28.050 Public Notice and Hearing .....	234
17.28.060 Required Findings .....	234
17.28.070 Conditions of Approval.....	234
17.28.080 Appeals, Expiration, Extensions and Revisions.....	235
<b>Chapter 17.29 Temporary Use Permits .....</b>	<b>236</b>
17.29.010 Purpose.....	236
17.29.020 Applicability .....	236

17.29.030 Exempt Temporary Uses.....	236
17.29.040 Allowed Temporary Uses.....	237
17.29.050 Application Filing and Processing Procedures.....	237
17.29.060 Standards.....	238
17.29.070 - Findings and Decision.....	238
17.29.080 Conditions of Approval.....	239
17.29.090 Condition of Site Following Temporary Use.....	239
17.29.100 Modification.....	239
17.29.110 Appeals.....	239
17.29.120 Revocation of Temporary Use Permit.....	240
<b>Chapter 17.30 Special Event Permits.....</b>	<b>241</b>
17.30.010 Purpose and Intent.....	241
17.30.020 Applicability.....	241
17.30.030 Exempt Special Events.....	242
17.30.040 Application—Special Event Permit.....	242
17.30.050 Other Permits and Fees Required.....	243
17.30.060 Investigation—Special Event Permit.....	243
17.30.070 Action on Application by Director.....	243
17.30.080 Appeals.....	243
17.30.090 Revocation of Special Event Permit.....	244
17.30.100 Violation—Penalty.....	244
17.30.110 Abatement of Nuisance.....	244
<b>Chapter 17.31 Minor Variances.....</b>	<b>245</b>
17.31.010 Purpose.....	245
17.31.020 Applicability.....	245
Table 17.31.010-1 Minor Variance Amounts Allowed.....	245
17.31.030 Application.....	246
17.31.040 Procedures.....	246
17.31.050 Required Findings.....	246
17.31.060 Conditions of Approval.....	246
17.31.070 Appeals, Expiration, Extensions and Revisions.....	247
<b>Chapter 17.32 Variances.....</b>	<b>248</b>
17.32.010 Purpose.....	248
17.32.020 Applicability.....	248
17.32.030 Review Authority.....	248
17.32.040 Application.....	248
17.32.050 Procedures.....	248
17.32.060 Required Findings.....	249
17.32.070 Conditions of Approval.....	249
17.32.080 Appeals, Expiration, Extensions and Revisions.....	249
<b>Chapter 17.33 Reasonable Accommodation.....</b>	<b>250</b>
17.33.010 Purpose.....	250
17.33.020 Applicability.....	250
17.33.030 Review Authority.....	250
17.33.040 Application.....	250
17.33.050 Procedures.....	251
17.33.060 Required Findings.....	251

17.33.070 Conditions of Approval .....	251
17.33.080 Appeals, Expiration, Extensions and Revisions.....	252
<b>Chapter 17.34 Development Agreements .....</b>	<b>253</b>
17.34.010 Purpose.....	253
17.34.020 Applicability .....	253
17.34.030 Review Authority .....	253
17.34.040 Procedures.....	254
17.34.050 Planning Commission Hearings and Recommendations .....	255
17.34.060 City Council Hearings and Actions.....	255
17.34.070 Required Findings.....	256
17.34.080 Execution and Recordation .....	256
17.34.090 Periodic Review .....	256
17.34.100 Amendment or Cancellation .....	256
17.34.110 Effect of Approved Agreement.....	257
17.34.120 Enforcement .....	257
<b>Chapter 17.35 Amendments to the General Plan, General Plan Map, Zoning Code and Zoning Map .....</b>	<b>258</b>
17.35.010 Purpose.....	258
17.35.020 Applicability .....	258
17.35.030 Review Authority .....	258
17.35.040 Initiation of Amendment .....	259
17.35.050 Procedures.....	259
17.35.060 Planning Commission Hearing and Recommendation .....	259
17.35.070 City Council Hearing and Action .....	260
17.35.080 General Plan Consistency Required for Zoning Amendments .....	260
<b>Chapter 17.36 Pre-Zoning .....</b>	<b>261</b>
17.36.010 Purpose.....	261
17.36.020 Applicability .....	261
17.36.030 Procedure .....	261
17.36.040 Effective Date of Zoning and Time Limit .....	261
<b>Chapter 17.37 Enforcement .....</b>	<b>262</b>
17.37.010 Purpose.....	262
17.37.020 Enforcement Responsibilities .....	262
17.37.030 Revocation .....	262
17.37.040 Nuisance Defined.....	262
17.37.050 Penalties .....	263
17.37.060 Remedies .....	263
17.37.070 Nuisance Abatement .....	263

---

Table 17.24.050-1 Review Authorities for Decisions and Appeals.....	218
Table 17.31.010-1 Minor Variance Amounts Allowed .....	245

<b>Table 17.24.050 Review Authorities for Decisions and Appeals .....</b>	<b>218</b>
<b>Table 17.31.010 Minor Variance Amounts Allowed .....</b>	<b>245</b>



## City of Irwindale- Zoning Code Update

### Article V: Terms and Definitions

#### Chapter 17.38 Use Classifications

##### Subsections:

- 17.38.010 Residential Uses
- 17.38.020 Public/Semi-Public Uses
- 17.38.030 Commercial Uses
- 17.38.040 Industrial Uses
- 17.38.050 Transportation, Communication and Utility Uses
- 17.38.060 Agricultural and Extractive (Mining) Uses

##### 17.38.010 Residential Uses

**Accessory Dwelling Unit.** An attached or detached unit that is ancillary to a primary dwelling unit. See Chapter 17.12.030 of this Zoning Code for more detailed standards related to accessory dwelling units. See also, “Junior Accessory Dwelling Unit”.

**Apartment.** A self-contained housing unit typically rented or leased, that occupies part of a building, generally on a single floor.

**Condominium.** A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan in sufficient detail to locate all boundaries thereof. Typically, the unit is owned by the occupant.

**Duplex Dwelling.** A residential building containing two dwelling units under one roof.

**Family Day Care.** A day care facility licensed by the State of California, located in a residential unit where residents of the dwelling provide care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small.** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

**Large.** A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10.

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent on a weekly or longer basis. Group residential includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

**Junior Accessory Dwelling Unit.** A dwelling unit created within the walls of a proposed or existing single-family residence. See Section 17.12.030 of this Zoning Code for regulations related to Junior Accessory Dwelling Units.

**Low Barrier Navigation Center.** A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

**Manufactured Housing Unit.** A housing unit constructed primarily or entirely off-site at a factory before being moved to its intended location.

**Mobile Home.** A vehicle, other than a motor vehicle designed or used for human habitation, for carrying persons and property or its structure and for being drawn by a motor vehicle.

**Multi-Family Residential.** Two or more attached or detached dwelling units on a single lot. Types of multi-unit residential include townhouses, apartments and condominiums.

**Residential Care Facilities.** A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

*Small.* A facility that is licensed by the state of California to provide care for six or fewer persons.

*Large.* A facility that is licensed by the state of California to provide care for more than six persons.

**Residential Facility, Assisted Living.** A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facilities and common areas. The residents in these facilities require varying levels of assistance.

**Single-Family Dwelling.** A dwelling unit that is designed for occupancy by one household. This classification includes individual manufactured housing units. See also “Manufactured housing unit.”

**Single-Room Occupancy.** A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, are rented to one- or two-person households for a weekly or monthly period of time. This use classification is distinct from a Hotel or Motel, which is a commercial use.

**Supportive Housing.** Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

**Townhouse.** A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse” or a “condominium”.

**Transitional Housing.** Housing that has a predetermined end point in time and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient to the service (per Govt. Code Section 1954.12). The program length is typically no less than six months.

**Triplex Dwelling.** A residential building containing three dwelling units under one roof.

**Workforce Housing.** Workforce housing is housing for individuals and families typically earning between 60% and 120% of area median income (AMI).

### **17.38.020 Public/Semi Public Uses**

**Colleges, Professional and Vocational Training Facilities.** Institutions of higher education providing curricula of a general, religious or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools.

**Community Assembly.** A facility for public or private meetings, including community centers, union halls, meeting halls and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

**Cultural Institutions.** An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers for performances and events, spaces for display or preservation of objects of interest in the arts or sciences libraries, museums and historical sites all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature.

**Day Care Centers.** Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools and daycare facilities for children or adults and any other day care facility licensed by the State of California.

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling and meals may be provided.

**Government Offices.** Administrative, clerical or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Utilities).

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research and administrative services for patients and employees. This classification excludes veterinarians and animal hospitals (see Animal Care, Sales, and Services).

**Clinic.** A facility providing medical, psychiatric or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

**Hospitals.** A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.

**Skilled Nursing Facility.** A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, at a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

**Instructional Services.** Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction.

**Park and Recreation Facilities.** Parks, playgrounds, recreation facilities, trails, wildlife preserves and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses and botanical gardens, as well as related food concessions or community centers within the facilities.

**Parking Lots and Structures.** Surface lots and structures offering parking for a fee when such use is not incidental to another on-site activity.

**Places of Religious Assembly.** Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers or full-time or part-time schools) may be allowed as incidental uses to the primary use.

**Public Safety Facilities.** Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

**Schools.** Facilities for primary or secondary education, including public schools, charter schools and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Centers), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

**Tutoring Facilities.** Facilities offering academic instruction to individuals or to groups in a classroom setting where an adult accompanies a minor. Facilities where minors are not accompanied by adults are classified as Day Care Centers.

### 17.38.030 Commercial Uses

**Adult Entertainment.** Any business or entertainment which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage, either by law and/or operators of such business, and which is characterized by an emphasis on “specified sexual activities” and/or specified anatomical areas. Adult entertainment also includes any adult motion picture theater, adult bookstore/adult video store/adult novelty store, adult cabaret, adult dance studio, adult hotel or motel, adult theater, sexual encounter establishment, nude modeling studio, adult tanning salon and any other business or establishment that, on a regular and substantial basis, offers its patrons entertainment or services which involve, depict, describe, or relate to “specified sexual activities” and/or “specified anatomical areas”.

**Animal Care, Sales, and Services.** Retail sales and services related to the boarding, grooming, and care of household pets including:

***Animal Sales and Grooming.*** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location and excludes pet supply stores that do not sell animals or provide on-site animal services.

***Boarding/Kennels.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation for animals receiving medical or grooming service.

***Veterinary Services.*** Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

**Automobile/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles including the following:

***Automobile Rentals.*** Establishment providing for the rental of automobiles. Typical uses include car rental agencies.

***Automobile/Vehicle Repair, Major.*** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles, automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials and towing services. This classification excludes vehicle dismantling, salvaging and tire retreading or recapping.

***Automobile/Vehicle Service and Repair, Minor.*** The service and repair of automobiles, light-duty trucks, boats and motorcycles, including the incidental sale, installation and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

***Automobile/Vehicle Sales and Leasing.*** Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include new and used automobile dealers and recreational vehicle sales agencies.

***Automobile Washing.*** Washing, waxing, or cleaning of automobiles or similar light vehicles in automated, self-service and full-service facilities. May include automated service, self-service or full-service automobile washing.

***Fueling/Charging Stations.*** Establishments primarily engaged in retailing automotive fuels, including alternative fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories and/or providing incidental food and retail services. This classification includes “mini-marts” and/or convenience stores that sell products, merchandise or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

***Large Vehicle and Equipment Sales, Service and Rental.*** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural or landscape gardening activities.

***Towing and Impound.*** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

#### **Banks and Financial Institutions.**

***Banks and Credit Unions.*** Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, and credit unions, but excluding check-cashing businesses.

***Check-Cashing Businesses.*** Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money order incidentals to their main purpose or business.

***Business Support Services.*** Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, and taxi or delivery services with two or fewer fleet vehicles on-site.

***Cannabis Retailer, Microbusiness, or Dispensary.*** Any facility or location, whether fixed or mobile, where cannabis is cultivated, provided, sold, made available, or otherwise distributed, as defined in Article 10 of the Business and Professions Code and Chapter 6, Article 2 and 2.5 of the Health and Safety Code.

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the public. These classifications may include restaurants, snack bars and other incidental food and beverage services to patrons.

***Cinema/Theaters.*** Any facility for the indoor display of films and motion pictures on single or multiple screens. This classification may include incidental food and beverage service to patrons as well as auditoriums within buildings.

***Indoor Sports and Recreation.*** Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including coin-operated electronic amusement centers. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice- and roller-skating rinks, indoor racquetball courts, athletic clubs and physical fitness centers.

***Outdoor Entertainment.*** Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters and drive-in theaters.

***Outdoor Sports and Recreation.*** Predominantly spectator sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges and riding stables.

**Drive-Through Facility.** A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks, financial institutions and fast food establishments, but shall not include drive-in movies, service stations or car-wash operations.

**Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

***Bars / Night Clubs / Lounges.*** Businesses serving beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine and mixed drinks. This use includes tasting rooms and microbreweries where alcoholic beverages are sold and consumed on site and any beverage production or distilling, and food service is subordinate to the sale of alcoholic beverages.

***Restaurant.*** Establishments where food and beverages are served to patrons on-site or off-site, including full-service, limited service, and take-out/delivery businesses. This classification includes brewpubs manufacturing 5,000 barrels per year or less, cafes, coffee shops, delicatessens, fast-food businesses and bakeries that have tables for on-site consumption of products. It excludes catering services and commercial kitchens that do not sell food or beverages for on-site consumption.

**Farmer's Markets.** Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads and meats that are predominantly grown or produced by vendors who sell them.

**Food Preparation.** Businesses preparing and/or packaging food primarily for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include caterers and commercial kitchens.

**Funeral Parlors and Interment Services.** An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum or mortuary.

**Lodging.** An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars or recreation facilities available to guests or to the public. This use classification includes motor lodges, motels, extended-stay hotels and tourist courts.

**Hotels.** An establishment providing overnight lodging to transient patrons where rooms open only to the interior of the building. Hotels may provide additional services, such as conference and meeting rooms, restaurants, bars, or accessory guest facilities (e.g. indoor athletic facilities and swimming pools) available to guests or to the public.

**Motels.** An establishment providing overnight lodging to transient patrons designed primarily for motorists, typically with parking directly outside of room doors. Rooms may open to the exterior of the building. Motels may provide recreation facilities available to guests but generally do not provide conference and meeting rooms, restaurants or bars.

**Short-term Rental.** The rental of any structure or any portion of any structure for occupancy for dwelling, lodging or sleeping purposes for 30 consecutive calendar days or less in duration.

**Maintenance and Repair Services.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture and similar items. This classification excludes maintenance and repair of motor vehicles (see Automotive/Vehicle Sales and Services) and personal apparel (see General Personal Services).

**Mobile Vendor.** A self-contained truck or trailer or non-motorized push cart that is readily movable without disassembling, and is used to sell merchandise, prepare and serve food and beverages or provide other services.

**Nurseries and Garden Centers.** Any establishment(s) primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. This classification includes commercial and wholesale greenhouses and nurseries offering plants for sale.

**Offices.** Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

**Business, Professional, and Technology.** Offices of firms, organizations, or agencies providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal and tax preparation offices.

**Medical and Dental.** Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

## Personal Services.

**General Personal Services.** An establishment providing non-medical services to individuals as a primary use of personal convenience, as opposed to products that are sold to individual consumers or from/by companies. Personal services include barber and beauty shops, shoe and luggage repair, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes and similar services.

**Massage Establishments.** Any establishment having a fixed place of business where any person engages in or carries on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Such establishments shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

**Tattoo or Body Modification Parlor.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

## Retail Sales.

**Building Materials Sales and Services.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area or plant nurseries.

**Convenience Stores.** Establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, convenience markets and drugstores.

**Food and Beverage Sales.** Retail sales of food and beverages primarily for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, meat markets and butcher shops and retail bakeries.

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area) and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles,

video rental and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machines, computers, electronics, and similar small-item repairs.

**Secondhand Store.** Any establishment whose business includes buying, selling, trading, selling on consignment, or auctioning secondhand tangible personal property. Tangible personal property shall be defined as stated in the California Business and Professions Code. Acceptance of donated material and goods are not allowed.

### 17.38.040 Industrial Uses

#### Cannabis-Related Industrial.

**Cannabis Retailer, Microbusiness, or Dispensary.** Any facility or location, whether fixed or mobile, where cannabis is provided, sold, made available or otherwise distributed, as defined in Article 10 of the Business and Professions Code and Chapter 6, Article 2 and 2.5 of the Health and Safety Code.

**Cannabis Indoor Commercial Cultivation Facility.** A building or portion of a building used for a business involving the wholly indoor commercial cultivation of cannabis plants within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”, Business and Professions Code Section 26000, et. seq).

**Cannabis Laboratory Materials Testing Facility.** A building, or portion thereof, used for a business involving the materials testing, investigation, scientific research or experimentation of medicinal or non-medicinal cannabis or cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”, Business and Professions Code Section 26000, et. seq).

**Cannabis Manufacturing Facility.** A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA”, Business and Professions Code Section 26000, et. seq).

**Wholesale Cannabis Logistics, Distribution, and Transportation Facility.** A building, or portion thereof, used for a business involving the procurement, sale, and transport of cannabis and cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the “MAUCRSA,” Business and Professions Code Section 26000, et seq.).

**Cargo Handling.** Facilities and mobile equipment for loading, unloading, storage, cleaning, and processing of bulk storage and container cargo to and from rail cars and trucks.

**Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction site.

**Custom and Artisan Manufacturing.** Any establishment primarily engaged in on-site production or fabrication of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking, glassworking, candle-making shops, woodworking and custom jewelry manufacturers.

**Donation Center/Station.** A facility where materials and goods are donated, accepted for sale on consignment or auction, or otherwise dropped off. Includes sorting and distribution of goods and materials.

**Food and Beverage Manufacturing.** Establishments engaged in the production, processing, packaging, or manufacturing of food or beverage products and any instruction, direct sales, or on-site consumption are incidental to the food or beverage production activity.

**Small Scale.** A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 10,000 square feet in size. Examples include small coffee roasters, micro-breweries (manufacturing 15,000 barrels per year or less), micro-distilleries (manufacturing 10,000 barrels per year or less), wine manufacturing, meat or fish processing, small-batch candy shops, cheese makers, wholesale bakeries, and brew-on-premises stores which provide ingredients and equipment for customers to manufacture their own product.

**Large Scale.** Large-scale production, packaging, processing, preparation or manufacturing of a food, beverage or ingredient used or intended for use for human digestion in a facility over 10,000 square feet. This classification includes uses such as bottling of alcoholic or nonalcoholic beverages; canning, bottle, processing, and packaging of food; coffee roasting; food products; oleomargarine; brewing and distillation of liquor and spirits. This definition does not include slaughtering of animals or fowl or direct retail sales.

**General Industrial.** Establishments engaged in manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust or vibration. This classification includes manufacturing for biomass energy conversion, commercial advertising, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products and automotive and heavy equipment.

**Light Industrial.** Establishments engaged in manufacturing of non-edible products and finished parts primarily from previously prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use; commercial laundries and dry-cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing and industrial services.

**Logistics Center.** A facility primarily used for the coordination, management, and distribution of goods and services. This includes activities such as warehousing, sorting, packaging, and the transportation of products. Logistic centers typically support large-scale supply chain operations and may include administrative offices related to these activities.

**Research and Development.** A facility for the scientific research and the design, development and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products

from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

**Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires and similar or related articles or property.

**Automobile Dismantling Yard.** Any premises used for the dismantling or wrecking of motor vehicles required to be registered under the Vehicle Code of the state of California, including the buying, selling or dealing in such vehicles or integral parts or component materials thereof and the storage, sale or salvage of dismantled, partially dismantled, or wrecked, inoperative vehicles. Automobile dismantling does not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage or body and fender shop. The terms automobile dismantling yard and automobile wrecking yard are synonymous. Auto dismantling yards are not classified as recycling facilities per the city's definition of "recycling facilities".

**Warehousing, Storage, and Wholesaling and Distribution.** Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual spaces exclusively and directly accessible to a specific tenant.

**Indoor Warehousing, Storage, and Wholesaling and Distribution.** Indoor storage and/or sale of goods to other firms for resale, storage of goods for transfer to retail outlets of the same firm, or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. This use includes cold storage, freight moving and storage, warehouses and wholesalers. Wholesalers are primarily engaged in business-to-business sales but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services) or any use that involves cannabis.

**Outdoor Storage.** Storage of commercial goods in open lots.

**Personal Storage.** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing or commercial activity.

### **17.38.050 Transportation, Communication and Utility Uses**

**Communication Facilities.** Facilities for the provision of broadcasting and other information-relay services using electronic and telephonic mechanisms.

**Facilities within Buildings.** Includes radio, television or recording studios and telephone switching centers.

**Telecommunication.** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers and associated equipment cabinets and enclosures.

**Freight/Trucking Facilities.** Any property and improvements used for freight, courier, and postal services; freight transfer truck terminals; or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors and/or truck trailers.

**Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services and similar businesses.

**Professional Fleet-based Services.** A professional or service-oriented business where employees or contractors use a company-owned fleet of vehicles for service calls or appointments, and where such vehicles are dispatched from and may be stored or maintained on the premises. This use typically includes storage of light- to medium-duty vehicles such as vans, trucks, or utility vehicles. Typical examples include but are not limited to cable installation services, pest control companies, plumbing and electrical contractors, and landscaping services. This type of business does not include large-scale warehousing, distribution centers, or heavy equipment storage.

**Public Works and Utilities.** Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants and similar facilities of public agencies or public utilities.

**Rail Car Loading Facility.** A facility which involves the loading or unloading of goods from a rail car or train.

**Recycling Facility.** A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling and solid waste transfer operations and are classified as utilities.

**Reverse Vending Machine.** An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

**Recycling Collection Facility.** An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

**Small Collection Facility.** Small collection facilities occupy no more than 500 square feet and may include:

- A "mobile recycling unit," which means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles and used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials;
- Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet;
- Booth-type units which may include permanent structures; and
- Unattended containers placed for the donation of recyclable materials.

**Large Collection Facility.** Large collection facilities may occupy an area of more than 500 square feet and may include permanent structures.

**Recycling Processing Facility.** A facility that receives, sorts, stores and/or processes recyclable materials.

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

**Heavy Processing Facility.** Any processing facility other than a light processing facility.

### 17.38.060 Agricultural and Extractive (Mining) Uses

#### Agriculture.

**Horticulture Production.** Commercial facilities for growing flowers, trees and ornamentals. The classification excludes wholesale or retail nurseries (See Nurseries and Garden Centers).

**Mineral Extraction.** The extraction of minerals, including mining, digging, dredging, drilling and pumping of water, gases, minerals or combustibles.

#### Urban Agriculture.

**Community Garden.** Use of land for and limited to the cultivation of herbs, fruits, flowers or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural or horticultural commodity, by several individuals or households.

**Market Garden.** The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds or culinary herbs for sale or donation of its produce to the public.

**Private Garden.** A private food-producing garden that is accessory to the primary use of the site.

## Chapter 17.39 List of Terms and Definitions

### Subsections:

#### 17.39.010 Definitions

##### A. "A" Terms.

**Abutting.** Having a common boundary or lot lines in common (i.e., not separated by an alley, public or private right-of-way or street).

**Access.** The place or way through which pedestrians and/or vehicles must have safe, adequate and usable ingress and egress to a property.

**Accessory Building.** See "Building, Accessory".

**Accessory Structure.** See "Structure, Accessory".

**Accessory Use.** See "Use, Accessory".

**Adjacent.** Directly abutting, having a common boundary or property line or contiguous to a parcel of land. Two properties that are separated by an alley, public or private right-of-way, street (other than a freeway), public access easement or natural or artificial waterway shall be considered as adjoining one another.

**Adjoining.** See "Abutting".

**Agent or Authorized Agent.** Any person who can show certified written proof that he or she is representing and acting in the place of another person or individual.

**Alteration.** Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

**Applicant.** The person, partnership, corporation or state or local government agency applying for a permit, certificate, zoning approval or other entitlement.

**Architectural Feature.** An exterior building feature, including a roof, wall, window, door, porch, post, pillar, recess or projection and exterior articulation and other building surfaces.

**Arterial Roadway.** A street classified as an Arterial in the Transportation Element of the General Plan.

**Attached Building or Structure.** See "Building, Attached" and "Structure, Attached".

**Automobile Dismantler.** Any person who buys a motor vehicle, or parts thereof, as the term "motor vehicle" is defined in the State Vehicle Code, for the purpose of dismantling or disassembling or who dismantles or disassembles any such motor vehicle or parts thereof, whether for the purpose of dealing in any of the parts thereof or using the same for the purpose of reconditioning any other vehicle or parts thereof, or for the purpose of selling or otherwise dealing in materials of such motor vehicles. The terms automobile dismantler and automobile wrecker are synonymous.

**Awning.** An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

**B. "B" Terms.**

**Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than three sides.

**Bedroom.** Any room having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room.

**Block.** All property fronting on one side of a street between an intersection and intercepting streets or between a street and a waterway, dead-end street, major easement or right-of-way or unsubdivided land. An intercepting street shall only determine the boundary of a block on the side of the street which it intercepts.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

**Building, Accessory.** A detached, subordinate building used only as incidental to the main building on the same lot.

**Building, Attached.** A building which has a common wall with another building or structure.

**Building, Detached.** A building which does not have a common wall with another building or structure.

**Building, Main.** A building in which the primary use of the parcel on which it is situated.

**Building Code.** Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code and other State-adopted uniform codes. Also refers to Title 15 (Buildings and Construction).

**Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

**Building Footprint.** See "Footprint".

**Building Frontage.** See "Frontage, Building".

**Building Height.** See "Height".

**Building Site.** A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Code and having its principal frontage on a street, road, highway or waterway.

**Business Park.** An area of land primarily developed or to be developed for light industrial and office, commercial and retail uses.

**C. "C" Terms.**

**California Environmental Quality Act (CEQA).** Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

**Camper.** As defined in the California Vehicle Code.

**Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extending from the ground.

**Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed and maintained for the parking or storage of one or more motor vehicles.

**Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use or a change in the type of an existing use; does not include a change of ownership, tenancy or management associated with a use for which the previous type of use will remain substantially unchanged.

**City Council.** The City Council of the City of Irwindale.

**Commercial Use.** An entity or business that is involved in the buying and selling of goods and services.

**Commercial Vehicle.** Defined in the California Vehicle Code. Pickup trucks and vans not exceeding one-ton rated capacity and which are used primarily for private noncommercial purposes are not considered commercial vehicles.

**Commission.** See "Planning Commission".

**Community Development Director.** The Community Development Director and/or designee for the City designated by this Zoning Code to enforce and administer the provisions of the Zoning Code. Also, see "Community Development Director".

**Compatible.** That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

**Condition of Approval.** A performance standard required change in a project, environmental mitigation measure or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.

**Conditional Use Permit.** A discretionary permit required for certain uses specified in this Code to provide for the review of proposed uses, with the intent of ensuring that, if approved, such use can be operated in a manner compatible with surrounding uses.

**Conditionally Permitted.** Permitted subject to approval of a Conditional Use Permit.

#### **D. "D" Terms.**

**Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts.

**Demolition.** The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

**Density.** The number of dwelling units per acre of land.

**Detached Building.** "See Building, Detached".

**Detached Structure.** "See Structure, Detached".

**Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion,

structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

**Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of Government Code 65864 for such development agreements.

**Development Permit.** Any permit issued by the City for the construction of real property improvements. Development permits include grading permits, encroachment permits, use permits, tentative maps, planned development permits and building permits. Sign permits are excluded from this definition.

**District.** See "Zone".

**Driveway.** An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.

**Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping and bathroom facilities for the exclusive use of a single household.

#### E. "E" Terms.

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

**Electrical Code.** Any ordinance of the City regulating the alteration, repair and the installation and use of electricity or electrical fixtures.

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

**Emergency Vehicle.** A self-propelled vehicle or trailer used in the discharge of duties of public districts, agencies or departments, or privately-owned public utilities responsible for fire prevention and control, policing, sanitation, sewerage, drainage, levee maintenance, flood control, public utility lines and all essential services.

**Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).

**Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

**Equipment.** Non-vehicular items such as, but not limited to: campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

**Erect.** To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term also includes the painting of wall signs.

#### F. "F" Terms.

**Façade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

**Family.** One person living alone or two or more persons living together in a dwelling unit with common access to, and common use of, all living, kitchen and eating areas within the dwelling unit.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**Fence.** Any horizontal or vertical structural device forming a physical barrier intended to separate properties, retain soil materials and provide security; or as defined by the Building Official. Fences may also be walls, hedges and screen plantings; or constructed from wood, mesh, metal, chain, wire, brick, stakes of plastic or similar materials.

**Firearms.** Any device designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

**Floor Area.** The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Section 17.02.040, Determining Floor Area.

**Floor Area Ratio (FAR).** The ratio of the total floor area of all buildings on a lot to the lot area or building site area. See also Section 17.02.040, Determining Floor Area Ratio.

**Foot-Candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

**Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Section 17.02.040, Determining Lot Coverage.

**Freeway.** A multilane State or Interstate highway for through traffic with full control of access and with grade separations at all intersections and railroad crossings, and to which highway the owners of abutting lands have no right of easement or access to or from their abutting lands.

**Frontage, Building.** The lineal dimension, parallel to the ground, of a building abutting on a public street, or a parking lot accessory to that business, even though another business may also have entitlement to that parking lot.

**Frontage, Street.** That portion of a lot or parcel of land that borders a public street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

#### **G. "G" Terms.**

**Garage.** An accessory structure or portion of a main structure, enclosed on three or more side and containing accessible and usable enclosed space designed, constructed and maintained for the parking and storage of one or more motor vehicles.

**General Plan.** The General Plan of the City of Irwindale adopted by the City Council and in compliance with Cal. Gov't Code 65301 et seq. and other relevant state and local regulations, outlines the long-term vision and goals for land use, development, and community well-being within the city.

**Generally.** For the purpose of carrying out the purpose of this code, the words, phrases and terms included shall have the meaning ascribed to them in this chapter.

**Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

**Government Code.** The Government Code of the State of California.

**Grade.** The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

***Grade, Existing or Natural.*** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

***Grade, Finished.*** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

**Gross Area.** The entire area of a parcel or lot, including any proposed public roadways and all other areas which may be ultimately excluded from development. *See also, "Net Area".*

**Ground Floor.** The first floor of a building other than a basement that is closest to finished grade.

#### H. "H" Terms

**Hazardous Materials.** Any material, including any substance, waste or combination thereof, which because of its quantity; concentration; or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**Heat.** Thermal energy of a radioactive, conductive or convective nature.

**Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Section 17.02.040, Measuring Height.

**Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

**Household.** See "Family."

**Household Pets.** Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats, dogs, fish, rabbits, rodents, or snakes but do not include horses, mules, goats, cows, hogs or other similar size animals, roosters or peacocks.

#### I. "I" Terms.

**Improvement.** An object affixed to the ground other than a structure.

**Impervious Surface.** Impervious surfaces are mainly artificial structures—such as pavements (roads, sidewalks, driveways and parking lots, as well as industrial areas such as airports, ports, logistics and distribution centers) that are covered by impenetrable materials such as asphalt, concrete, brick, stone etc.

**Incidental Use.** See “Use, Incidental”.

**Income Levels.** Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low and moderate-income limits established in § 6932 of the California Code of Regulations and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the Yolo County median income levels by family size. These income limits are equivalent to the following:

***Extremely Low-Income Household.*** Under 30 percent of area median income, adjusted for household size appropriate for the unit.

***Very-Low Income Household.*** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit.

***Low-Income Household.*** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit.

***Moderate-Income Household.*** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit.

**Intensity of Use.** The extent to which a use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation: requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site or in eating establishments, the number of seats.

**Intersection, Street.** The area common to two or more intersecting streets.

**J. “J Terms”**

Reserved.

**K. “K Terms”**

**Kitchen.** A room or other space within a building designed and constructed for the cooking and/or preparation of food and containing a stove or cooktop using natural gas or 220-volt electricity.

**L. “L” Terms.**

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied or maintained, including: residential, commercial, industrial, etc.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials and other similar site improvements that serve an aesthetic or functional purpose.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors and a refractor or lens.

**Liquor Sales.** The sale of liquor for off-site consumption.

**Lot.** A parcel, tract or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of Los Angeles, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following (See Figure 17.39.010-1 Lot Types):

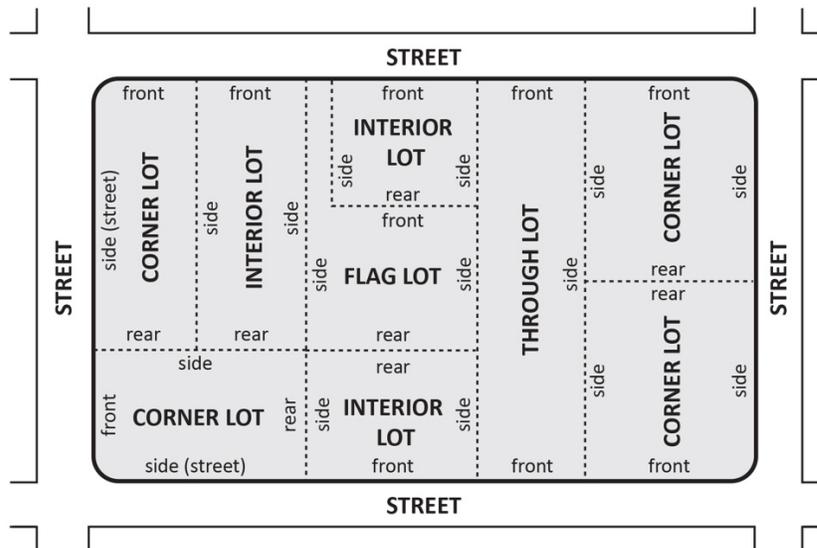
**Corner Lot.** A lot or parcel bounded by two or more adjacent street lines that have an angle of Intersection of not more than 135 degrees.

**Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

**Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

Figure 17.39.010-1 Lot Types.



**Lot Area.** The area of a lot measured is horizontally between bounding lot lines.

**Lot Coverage.** Any area covered by a building, not including eaves of 30 inches or less. Does not include paved driveways, sidewalks, paths and patios, and uncovered pools or spas. See also 17.02.040, Determining Lot Coverage.

**Lot Depth.** The average distance from the front line of the lot to its rear line measured in the general direction of the side lines of the lot. See also 17.02.040, Measuring Lot Width and Depth.

**Lot Frontage.** See "Frontage, Street."

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

**Front Lot Line.** On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear yard.

**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

**Lot Line Adjustment.** An adjustment of the boundary lines between existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where no new parcel is created.

**Lot, Nonconforming.** A legal parcel of land having less area, frontage or dimensions than required in the zone in which it is located.

**Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. See also 17.02.040, Measuring Lot Width and Depth. When not applicable due to irregularity of lot shape, lot width shall be determined by the Community Development Director, subject to appeal and review by the Planning Commission.

#### **M. "M" Terms.**

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized and undamaged condition.

**Minor Use Permit.** A permit provided for the individual review of a use at a specific location to ensure that their operation will be compatible with surrounding areas and uses. They are provided for certain uses to expedite the processing of applications by allowing staff review and approval. Minor use permits are provided for uses which require individual scrutiny but are less potentially impactful than uses for which a Conditional Use Permit is required.

**Municipal Code.** The City of Irwindale Municipal Code.

#### **N. "N" Terms.**

**Negative Declaration and Mitigated Negative Declaration.** A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA).

**Net Area.** The area of a lot or parcel excluding areas to be dedicated for public purposes or other reasons. See also "Gross Area".

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Nonconforming Building.** See “Building, Nonconforming”.

**Nonconforming Lot.** See “Lot, Nonconforming”.

**Nonconforming Structure.** See “Structure, Nonconforming”.

**Nonconforming Use.** See “Use, Nonconforming”.

#### **O. “O” Terms.**

**On-Site.** Located on the lot that is the subject of discussion.

**Open Space, Common.** Open space accessible to residents and visitors of a multifamily building or development. This includes patios with picnic tables and BBQ area with shade structures, community gardens, swimming pools, natural open space area with benches/viewing areas and/or trails, tot-lots/play structures, and sports courts (e.g. tennis, basketball, volleyball) and other active/passive recreation areas.

**Open Space, Private.** Open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Examples include patios, screened decks or balconies.

**Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 72 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

**Owner.** A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm or corporation.

#### **P. “P” Terms**

**Parapet.** That part of a wall that extends above the roof line.

**Parking Area.** An area of a lot, structure or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

***Parking Facility.*** An area or structure used for the parking of motor vehicles as a commercial enterprise.

***Parking, Shared.*** A public or private parking area used jointly by two or more uses.

**Parking Space.** An unobstructed space or area other than a street or alley that is permanently reserved, maintained and accessible for the parking of one motor vehicle.

***Parking Space, Enclosed.*** A parking space that is in a garage that is enclosed on four sides.

***Parking Space, Tandem.*** A pair of parking spaces (i.e., two spaces) arranged one behind the other.

**Passenger Vehicle.** As defined in the California Vehicle Code.

**Permit.** A ministerial or discretionary permit, license, certificate or other use entitlement of the City or other permits required by enforcement agencies that may be affected by a particular project, e.g., South

Coast Air Quality Management District, Regional Water Quality Control Board and the State of California Office of Permit Assistance.

**Permitted Use.** See “Use, Permitted”.

**Person.** Any individual, firm, association, organization, partnership, business trust, company or corporation.

**Planning Commission.** The Planning Commission of the City of Irwindale.

**Planning Division.** The Planning Division of the Community Development Department of the City of Irwindale.

**Pre-existing.** In existence prior to the effective date of this Code.

**Primary Structure.** A structure on a property used as space for human habitation.

**Primary Use.** See “Use, Primary”.

**Project.** Any proposal for a new or changed use or for new construction, alteration or enlargement of any structure that is subject to the provisions of this Title. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Property Line.** The recorded boundary of a lot or parcel of land.

**Public Resources Code.** The Public Resources Code of the State of California.

**Public Works Director.** The Public Works Director of the City of Irwindale.

#### Q. “Q” Terms

**Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

#### R. “R Terms”

**Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Reclamation.** The combined process by which adverse environmental effects of surface mining are minimized and mined lands are returned to a beneficial end use.

**Religious Institution.** Includes churches, temples, mosques and other places of worship and institutions that exist to support and manage the practice of a specific set of religious beliefs.

**Review Authority.** Body or entity responsible for making decisions on applications. Includes the City Council, Planning Commission, Director of Community Development/Planning Division, City Traffic Engineer, and Public Works Director.

**Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

#### **S. "S" Type**

**Senior Citizen.** An individual 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

**Setback.** The distance between a property line and a building or structure that must be kept clear or open.

**Sidewalk.** A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Sign Terms.** See 17.19, Signs.

**Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Code and is in a single ownership or under unified control.

**Soil.** Naturally occurring superficial deposits overlying bedrock.

**Solar Reflectance Index.** Measure of a surface's ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.

**Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.

**State.** The State of California.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

**Street.** A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road and any other thoroughfare, except an alley or walkway.

**Street Line.** The boundary between a street and a lot or parcel of land.

**Structure.** Anything constructed or erected which requires a location on the ground.

**Structure, Accessory.** A detached subordinate structure used only as incidental to the main structure on the same site or lot.

**Structure, Attached.** A structure which is affixed to another building or structure on the site.

**Structure, Detached.** A structure which is not affixed to another building or structure on the site.

**Structure, Main.** A structure housing the primary use of a site or functioning as the primary use.

**Structure, Nonconforming.** A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

**Structure, Temporary.** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Swimming Pool.** A pool, pond, lake or open tank capable of containing water to a depth greater than 1.5 feet at any point.

#### T. "T" Terms

**Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across to access another space or spaces.

**Target Population.** As defined in Government Code Section 65582, "Target Population" means persons with low incomes who have one or more disabilities, including: mental illness, HIV or AIDS, substance abuse, or other chronic health condition or individuals eligible for services. It may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

#### Telecommunication Terms.

**Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs or similar devices used for the transmission and/or reception of electromagnetic waves.

**Co-Location.** The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities, such as buildings, water tanks, light standards, other utility facilities and structures.

**Satellite Dish.** A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems and satellite microwave antennas.

**Support Equipment.** The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport and/or process signals from or to the facility's antenna or antennas.

**Wireless Telecommunication Facility.** A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

**Tenant.** A person renting or leasing a housing unit or non-residential space.

**Town Center.** This neighborhood is located in the Southeast Planning Area, near the Civic Center, and Irwindale Park. This neighborhood is bounded by Arrow Highway on the north and Irwindale Avenue on the west, the area is comprised of approximately 33.9 acres.

**Trailer.** A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer and mobile home, but not including mobile homes on a permanent foundation.

#### U. “U” Terms

**Use.** The purpose for which land or the premises of a building, structure or facility is arranged, designed, intended or for which it is or may be occupied or maintained.

**Use, Accessory.** A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use.

**Use, Incidental.** A secondary use of a lot and/or building that is located on the same lot but is not customarily associated with the primary use.

**Use, Nonconforming.** The use of a building, structure, site or portion thereof, which was lawfully established and maintained, but which, because of the adoption and application of this Title, no longer conforms to the specific regulations applicable to the zone in which it is located.

**Use, Permitted.** Any use or structure that is allowed in a zone without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zone.

**Use, Unpermitted.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

**Use, Primary.** A primary, principal or dominant use established, or proposed to be established, on a lot.

**Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product or compatibility characteristics. All use types are grouped into the following categories: residential, public and semi-public, commercial, industrial, transportation, communication, and utilities. See Chapter 17.38, Use Classifications.

**Use Permit.** A discretionary permit which may be granted by the appropriate City of Irwindale authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval. See Chapter 17.28, Use Permits.

**Use Type.** A category that classifies similar uses based on common functional, product or compatibility characteristics.

**Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications and waste.

#### V. “V” Terms

**Variance.** A discretionary grant of permission to depart from the specific requirements of this Title that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zone.

**Vehicle.** Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat or similar conveyance.

**Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

**Visible.** Capable of being seen (whether legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

**W. "W" Terms.**

**Wall.** Any vertical exterior surface of the building or any part thereof, including windows.

**X. "X" Terms.**

**Xeriscape.** A set of landscape design and maintenance principles and horticultural practices that promote efficient use of water. The term "xeriscape" is a registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

**Y. "Y" Terms.**

**Yard.** An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Code.

**Front Yard.** A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this Code for the zone in which it is located and measured inward from the front lot line.

**Interior Side Yard.** A yard which does not abut a street.

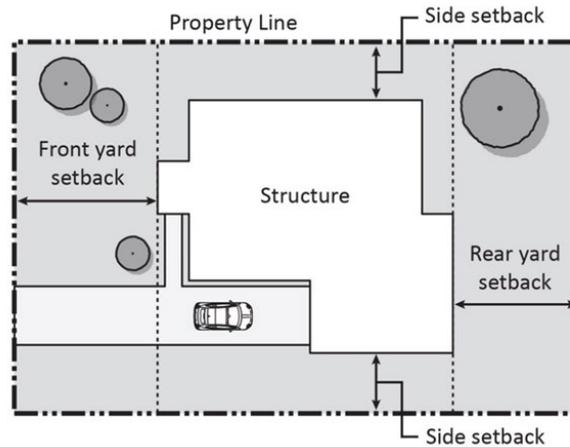
**Side Yard.** A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

**Street Side Yard.** A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

**Rear Yard.** A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the zone in which it is located.

**Required Yard.** A yard which complies with the minimum setback requirements for the zone in which the lot is located.

**Figure 17.39.010-2 Required Yard.**



**Z. “Z” Terms**

**Zone.** A specifically delineated area in the City within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

**Zoning Districts.** A portion of the City within which certain uses of land and structures are defined, and regulations are specified.

**Zoning Map.** The map or maps that are a part of this Zoning Code and that delineate the boundaries of zoning districts.

Article V: Terms and Definitions.....	264
<b>Chapter 17.38 Use Classifications.....</b>	<b>264</b>
17.38.010 Residential Uses .....	264
17.38.020 Public/Semi Public Uses.....	261
17.38.030 Commercial Uses .....	263
17.38.040 Industrial Uses.....	268
17.38.050 Transportation, Communication and Utility Uses.....	270
17.38.060 Agricultural and Extractive (Mining) Uses .....	272
<b>Chapter 17.39 List of Terms and Definitions .....</b>	<b>273</b>
17.39.010 Definitions .....	273
Figure 17.39.010-1 Lot Types. ....	280
Figure 17.39.010-2 Required Yard.....	288