



## Planning Commission **STAFF REPORT**

*Ken Goldstein, Chair*  
*Gina Frierman-Hunt, Vice-Chair*  
*Matthew Buckles, Commissioner*  
*Manish Desai, Commissioner*  
*Leslee Hinton, Commissioner*  
*John Hutt, Commissioner*  
*Bob Spears, Commissioner*

*Vincent Gonzalez, Planning and  
Community Preservation Director*

DATE: January 7, 2016

TO: Planning Commission

FROM: Leticia Cardoso, Planning Manager

**SUBJECT: Municipal Code Text Amendment 15-05 (MCTA 15-05) – Amendments to the R-1 One Family Residential Zone Ordinance (Chapter 17.20), Variances & Conditional Use Permits Ordinance (Chapter 17.60), and Development Standards (Chapter 17.48)**

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### **ISSUE**

At the meeting on November 19, 2015, the Planning Commission discussed further revisions to the R-1 Zoning Ordinance (Chapter 17.20) and asked staff to bring back a draft ordinance that includes all of the agreed-upon changes to this ordinance. The Commission also directed staff to include the changes to the Variances & Conditional Use Permits Ordinance (Chapter 17.60) and Development Standards Ordinance (Chapter 17.48) also discussed and agreed-upon at their meetings on June 4 and October 15, 2015.

The changes include revisions to the conditional use permit findings, minor conditional use permit noticing requirements, —clarification of prevailing front yard setback requirements, specifying chimneys as a permitted encroachment into the angle plane setback requirement, establishment of a maximum allowable height for chimneys, elimination of flag lots on newly created or reconfigured lots, and elimination of the modified front yard setback for cul-de-sacs.

Changes to the minimum lot size requirements in the R-1 Zone discussed by the Commission were not included in the draft ordinance as the Commissioners agreed that further analysis by a subcommittee would be needed before they make a recommendation to the City Council. At the meeting, a subcommittee including Commissioners Frierman-Hunt and Hutt was formed to consider the various options regarding lot sizes and density for the Commission's consideration at a later meeting.

Attached as Exhibit A of the Planning Resolution is the draft ordinance that includes the

abovementioned changes agreed upon by the Commission .

### **Purpose of Amendments and Consistency with General Plan**

The proposed amendments are required out of public necessity, convenience and general welfare (SMMC 17.64.010) as they would further the goals of preserving the small town character of the community, and promoting architectural diversity while maintaining neighborhood consistency. The proposed revisions to the conditional use permit findings, clarification of prevailing front yard setback requirements, elimination of flag lots on newly created or reconfigured lots, and elimination of the modified front yard setback for cul-de-sacs would serve to address scale, massing and privacy impacts of neighboring properties. Furthermore, all of the proposed amendments are generally consistent with the goals, policies, and objectives of the General Plan in that they would help protect low-density single-family residential uses in the City.

### **ENVIRONMENTAL**

The project qualifies for an exemption from the California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts.

### **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Notice of the hearing was published consistent with the requirements of Government Code Section 65090, including publication of a notice of public hearing in the local adjudicated newspaper. Notice of the hearing was also published through the City's E-blast electronic notification process, and on the City's website and Facebook page. Copies of this report are available at the City Hall public counter, on the City of Sierra Madre website, and the Sierra Madre Public Library.

### **ALTERNATIVES**

The Planning Commission can consider the following alternatives:

1. Recommend approval of MCTA 15-05 pursuant to Resolution 15-18.
2. Recommend approval of MCTA 15-05, with modifications.
3. Recommend denial of MCTA 15-05.

4. Continue the matter and provide direction to Staff.

**RECOMMENDATION**

Staff recommends Alternative No. 1, that the Planning Commission recommend to the City Council adoption of the proposed text amendments to Chapters 17.20, 17.48 and 17.60, pursuant to Resolution 15-18.

**Attachments:**

- Exhibit A: Planning Commission Resolution 15-18
- Exhibit B: City Council Ordinance – Redlined Version
- Exhibit C: R-1 Ordinance (Chapter 17.20), Variances & CUP Ordinance (Chapter 17.60), Development Standards Ordinance (Chapter 17.48)

## **PC RESOLUTION 15-18**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE RECOMMENDING APPROVAL OF ORDINANCE NO. \_\_\_\_\_ TO AMEND CHAPTERS 17.20 (R-1 ONE-FAMILY RESIDENTIAL ZONE), CHAPTER 17.60 (VARIANCES AND CONDITIONAL USE PERMIT ORDINANCE), CHAPTER 17.48 (DEVELOPMENT STANDARDS) OF THE SIERRA MADRE MUNICIPAL CODE.**

WHEREAS, the R-1 One Family Residential Zoning Ordinance (Chapter 17.20 of the Municipal Code), was adopted to encourage development that preserves the small town character of the community and promotes architectural diversity while maintaining neighborhood consistency;

WHEREAS, the City is concerned with an increasing number of existing single-family homes being replaced with much larger, often 2-story homes that are inconsistent with the scale and architectural character of the surrounding residential neighborhoods and the overall small village setting of Sierra Madre;

WHEREAS, the City is concerned that some of the existing R-1 Zone development standards are inconsistent with the City's community preservation goals and thereby wishes to amend the zoning ordinance;

WHEREAS, the City is also concerned that the existing conditional use permit findings in Sections 17.60.040 and 17.60.041 of Chapter 17.60 of the Municipal Code do not sufficiently incorporate standards for neighborhood compatibility and quality design that can help guide future development while preserving the small-town character of the city;

WHEREAS, the proposed amendments to Chapters 17.20, 17.48 and 17.60 of the Municipal Code have been drafted to revise conditional use permit findings, clarify prevailing front yard setback requirements, revise minor conditional use permit noticing requirements, identify chimneys as a permitted encroachment into the angle plane setback requirement, establish a maximum allowable height for chimneys, eliminate flag lots on newly created or reconfigured lots, and eliminate the modified front yard setback for cul-de-sacs.

WHEREAS, the Planning Commission discussed these revisions at three meetings and wish to recommend to the City Council the subject municipal code text amendment as the proposed changes will help preserve the City's neighborhoods characterized by single-family dwellings;

WHEREAS, the amendments are generally consistent with the goals, policies, and objectives of the General Plan in that it would help protect low-density single-family residential uses in the City.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, the amendment qualifies for an Exemption, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) as it can be seen with certainty that there is no possibility that the changes would have a significant effect on the environment because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts; and

WHEREAS, notice was duly given of the public hearing on the matter, which public hearing was held before the Planning Commission on January 7, 2016, with all testimony being received being made part of the public record;

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now resolves as follows:

Recommend that the City Council approve the ordinance amending Chapters 17.20, 17.48 and 17.60 attached hereto as Exhibit A.

APPROVAL RECOMMENDED, the 7<sup>th</sup> day of January, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Ken Goldstein, Chair  
Planning Commission

ATTEST:

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Vincent Gonzalez, Director  
Planning and Community Preservation

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SIERRA MADRE, CALIFORNIA AMENDING TITLE 17 ("ZONING") OF THE  
SEIRRA MADRE MUNICIPAL CODE BY AMENDING CHAPTER 17.20 ("R-1  
ONE FAMILY RESIDENTIAL")**

**SECTION 17.20.053 ("ANGLE PLANE"), SUBSECTION 17.20.050.A.2 ("FRONT  
YARD SETBACKS GREATER THAN 25 FEET"), AND ADDING SECTION 17.20.115  
("FLAG LOTS PROHIBITED"); AMENDING CHAPTER 17.48 ("DEVELOPMENT  
STANDARDS") SECTION 17.48.020 ("HEIGHT OF PENTHOUSES AND ROOF  
STRUCTURES") AND REPEALING SECTION 17.48.080 ("MODIFIED FRONT  
YARD CUL-DE-SAC"); AMENDING CHAPTER 17.60 ("VARIANCES AND  
CONDITIONAL USE PERMITS") SECTION 17.60.040 ("CONDITIONAL USE  
PERMITS—BURDEN OF PROOF"), SECTION 17.60.041 ("ADDITIONAL BURDEN  
OF PROOF FOR PERMITS FOR SINGLE-FAMILY HOUSES AS DESCRIBED IN  
SECTION 17.20.025") AND SUBSECTION 17.60.055.B ("PUBLIC NOTICE").**

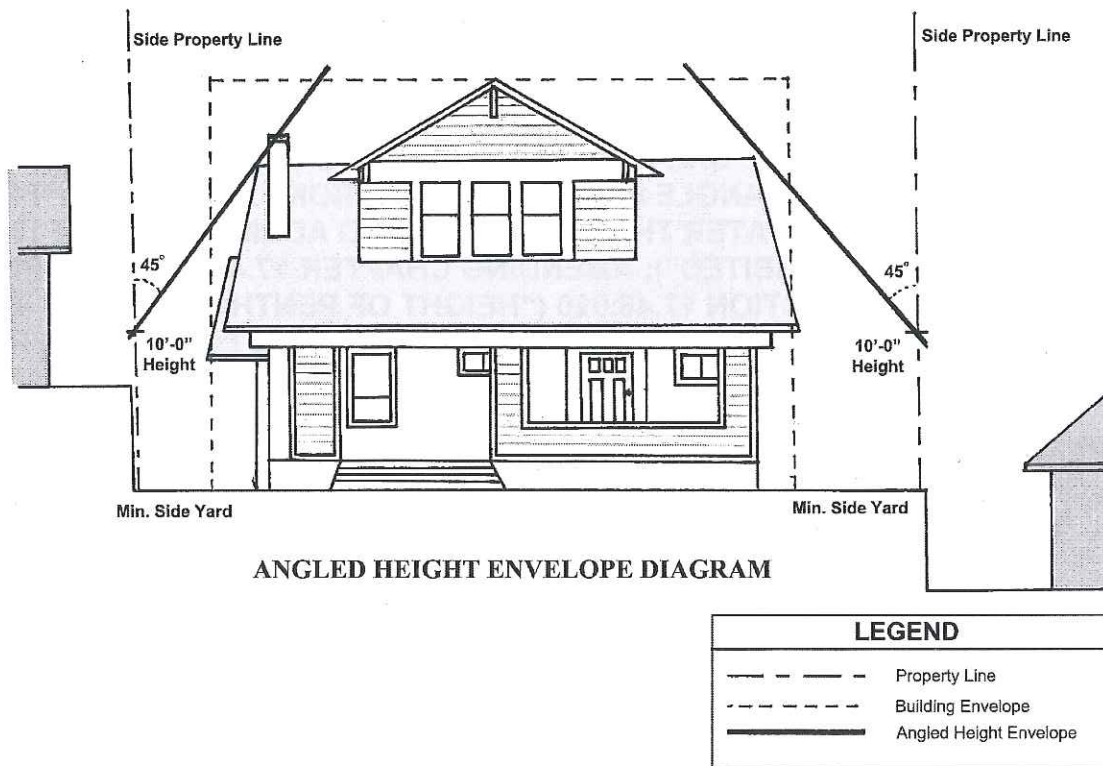
**THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY  
ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 17.20.053 ("Angle Plane") of Chapter 17.20 ("R-1 One Family Residential") of Title 17 ("Zoning") is hereby amended to read as follows:

**17.20.053 – Angle Plane.**

A. Notwithstanding the provisions under Section 17.20.050(B) ("Side Yards"), no portion of a building, except a chimney but only to the extent necessary to meet code but no higher than 6 feet from the point where it penetrates the roof, shall exceed the height of a forty-five degree plane drawn from a height of ten feet above existing ground level at the side lot line boundaries of the lot (see Diagram F), provided the second floor shall not be required to be located further than twice the required setback, whichever is less. Roof eaves projecting a maximum four feet out from the vertical plane of the exterior wall surface are exempted. Existing ground level shall be the grade elevation of the subject site at the side lot line boundaries prior to start of construction. Encroachments exceeding the angle plane height by not more than ten linear feet may be allowed subject to the approval of a minor conditional use permit; encroachments exceeding ten linear feet may be allowed pursuant to the approval of a conditional use permit pursuant to the provisions of Chapter 17.60. Linear feet shall mean the total combined linear feet of encroachment area(s) measured horizontally along the side face of the building.



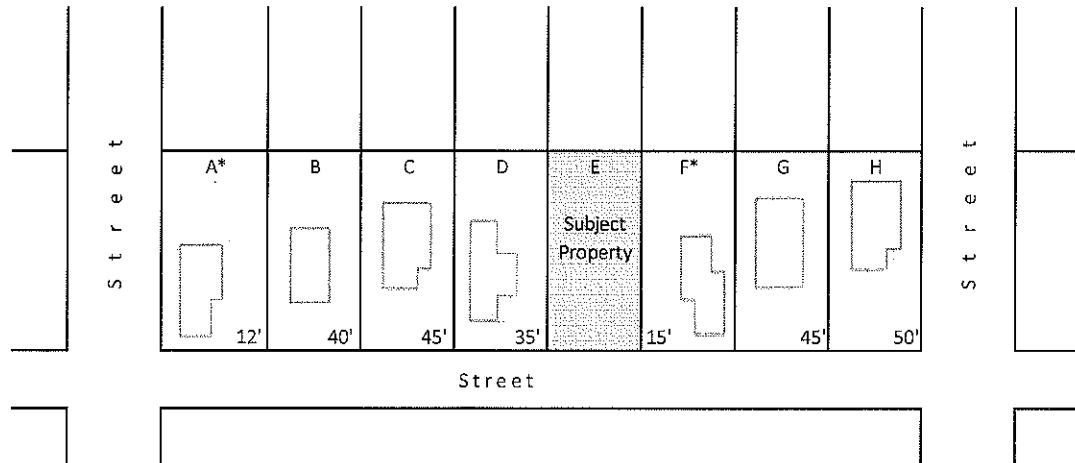


**SECTION 2.** Subsection 17.20.050.A.2 of Section 17.20.050 ("Primary Structures") of Chapter 17.20 ("R-1 One Family Residential") of Title 17 ("Zoning"), entitled "Front Yard Setbacks Greater Than 25 Feet", is hereby amended to read as follows:

2. Front Yard Setbacks Greater than Thirty-Twenty-Five Feet – Prevailing Setback. Whenever fifty percent, or greater, of the properties on the same side of the street in the linear any block where as the project site is located have been developed with structures where they have front yard setbacks that is are greater than thirty feet, the minimum required front yard setback then for all building and/or structures thereafter constructed, enlarged, erected or established shall be the prevailing setback for the linear block within any such block on the same side of the street as shown on one of the following scenarios under Diagram E which most closely represents the conditions which apply to the project site. The prevailing setback shall be calculated by adding all of the front yard setbacks, except for the smallest and largest setbacks, and dividing the total by the number of lots included in the calculation, as illustrated in Diagram E. In no case, shall the required front yard setback exceed seventy-five feet.

DIAGRAM E

Example of Calculation of Prevailing Front Yard Setback



**Prevailing Setback Calculation = Sum of front yard setbacks (except smallest and largest)/ # of lots**

Prevailing Setback = Lot B + Lot C + Lot D + Lot F + Lot G / 5 lots

= 40' + 45' + 35' + 15' + 45' = 180/5 = 36 feet

\* Lots A and H are not included in the calculation as their front yard setbacks are the smallest and the largest setbacks along the block.

**SECTION 3.** Section 17.20.115 entitled "Flag lots prohibited" is added herein to Chapter 17.20 ("R-1 One Family Residential") of Title 17 ("Zoning") to read as follows:

#### **17.20.115 – Flag Lots Prohibited**

Flag lot configurations are prohibited in the R-1 Zone for newly created lots and for newly configured lots resulting from lot line adjustments.

**SECTION 4.** Section 17.48.20 ("Height of Penthouses and Roof Structures") of Chapter 17.48.20 ("Development Standards") of Title 17 ("Zoning") is amended herein to read as follows:

#### **17.48.20 – Height of Penthouses and Roof Structures.**

A. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the



building; fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, smokestacks, and similar structures may be erected above the height limits prescribed by this chapter, but no penthouse or roof structure or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space. The height of antennae is governed by Chapter 17.93 of this code.

A.B. Chimneys may be erected above the height limits prescribed by this title, but in no event shall a chimney be allowed to exceed a height of 6 feet from the point where it penetrates the roof.

**SECTION 5.** Section 17.60.040 ("Conditional Use Permits – Burden of Proof") of Chapter 17.60 ("Variances and Conditional Use Permits") of Title 17 is amended herein to read as follows:

**17.60.040 – Conditional Use Permits – Burden of Proof**

Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the ~~body hearing such matter~~ reviewing authority, the existence of the following facts:

- A. That the site for the proposed use is adequate in size, shape, and topography, and location;
- B. That the site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;
- C. That the proposed use is neither detrimental to the public health, safety and general welfare, nor will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;
- D. That there is a demonstrated need for the use requested;
- E. That the proposed use, if permitted, will, as to location and operation, be is consistent with the objectives of the general plan, zoning and any applicable design standards; and
- F. That the use at the location requested would benefit the public interest, and convenience, and necessity require that use be permitted at the location requested.

**SECTION 6.** Section 17.60.041 ("Additional Burden of Proof for Permits for Single-Family Houses as Described in Section 17.20.025") of Chapter 17.60 ("Variances and Conditional Use Permits") of Title 17 is amended herein to read as follows:

**17.60.041 – Additional burden of proof for permits for single-family houses as described in Section 17.20.025.**

~~Additional burdens of proof for permits for~~For single-family houses as residential house projects described in ~~Section~~Sections 17.20.025, 17.30.040, or others referencing this section, before any permit is granted, the application shall be:—

A. ~~That the proposed project be designed in one consistent style and~~show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

A. ~~That the~~ height, bulk, scale ~~and~~, mass of new construction and reconstruction ~~be and~~ siting of the proposed project ~~be~~ compatible with the existing neighborhood, landforms and the surroundings.

B. That the proposed project reflects the scale of the neighborhood in which it is proposed and that it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting ~~and does not cause adverse impacts.~~

C. ~~That the conditional use permit is required to accommodate design features which are characteristic of an identifiable architectural style or a coherent architectural design that is consistent on all sides of the building.~~That the proposed project neither unreasonably interferes with public views or the views and privacy of neighbors, produces unreasonable noise levels, nor causes material adverse impacts.

D. The proposed project exhibits a coherent project-wide design, and each structure or portion thereof (especially additions) on the site is compatible with other portions of the project, regardless of whether the same are publically visible.

E. For proposed projects seeking relief from development standards, where allowed, to accommodate characteristics of an identifiable architectural style (such as additional height pursuant to Section 17.20.020(A)), that the proposed project adheres to the norms of such identifiable architectural style and that such style is consistently carried through on all elevations of the building, regardless of whether the same are publically visible.

G.F. For proposed projects that require discretionary review due to exceeding size thresholds (pursuant to Sections 17.20.025(C), 17.30.040(B), or similar), that the proposed is a superior project that would enhance its neighborhood and exhibit exceptional design through a combination of most, if not all, of:

1. innovative, thoughtful and/or noteworthy architecture that is responsive to the specific site, rather than standard, generic, or “cookie-cutter” plans;
2. where applicable, adaptive reuse or other preservation and restoration of historic structures;

3. preservation of the natural landscape to the extent possible by such means as minimizing grade changes and retaining protected and specimen trees;
4. siting of structures in keeping with landforms and so as to maximize open space, public views, and neighbor views and privacy;
5. high quality architectural details and building materials compatible with the overall project design; and
6. sustainable building and landscaping practices, especially water-saving features.

As used in this section, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean repetition of building style or detailing. Compatibility is based on consideration of a constellation of associated characteristics including building type, the property site plan, building mass and scale, and architectural material and expression. Compatibility comes from an identification of character-defining features of an area, and an applicant's thoughtful response to them within the design.

This section is not meant to be a perfunctory review of projects which comply with other development standards. Rather it is meant to impose significant, separate, and additional burdens on proposed projects with the understanding that in many cases satisfying such burdens may call for significantly reduced development intensity than is allowed otherwise under this title. By way of illustration and not limitation, (i) so as not to unreasonably interfere with views and privacy, a project proposed on a narrow or irregularly shaped parcel may accommodate significantly less second story floor area than would otherwise be allowed; (ii) so as not to unreasonably interfere with views and privacy, a proposed project with significant second story floor area may need to be set back farther from lot lines than otherwise allowed; (iii) to insure compatibility with and not to visually overpower or dominate the neighborhood, the floor area of a proposed project in a neighborhood predominated by smaller homes may need to be much lower than allowed by objective criteria; (iv) to insure compatibility with landforms and to keep with the land, a project proposed on a parcel with steep slopes or irregular topography may have much more limited siting options than set back standards would allow and may need reduced height and/or floor area; and (v) to exhibit exceptional design through noteworthy architecture, the floor area of a proposed project may need to be much lower than allowed by objective criteria in order to allow space for articulation, variation in massing, covered porches, and other enhancing architectural features.

Additionally, as standard two-dimensional building elevations and other similar graphic materials typically do a poor job of depicting projects in context, it is



recommended that applicants provide materials in addition to those otherwise required in order to demonstrate that their proposed projects satisfy the foregoing burdens. Such materials may include, but are not limited to, three-dimensional perspective renderings from multiple angles; photo simulations showing the sited project in relation to neighboring structures and landforms; comparisons of proposed building size, height, setbacks, etc. to surrounding structures; story poles; material and color boards; information on energy and water saving systems; and colored landscape plans showing protected and specimen trees and illustrating drought-tolerant landscaping, permeable paving and other water-saving features.

**SECTION 7.** Subsection 17.60.055.B of Section 17.60.055 ("Minor Conditional Use Permit") of Chapter 17.60 ("Variances and Conditional Use Permits") of Title 17 ("Zoning") entitled "Public Notice", is amended herein to read as follows:

B. Posted Notice. A notice that a minor conditional use permit is to be considered shall be mailed to all property owners within a three hundred foot radius of the property where the minor conditional use permit is proposed. The notification shall describe the proposed minor conditional use permit and shall provide a comment period of not less than fourteen calendar days. Additionally, signage shall be posted in accordance with Subsection 17.60.100.B; however, references therein to the Planning Commission's decision on a conditional use permit shall be interpreted as the Director's decision on the minor conditional use permit.

**SECTION 8.** Section 17.48.080 ("Modified Front Yard on Cul-de-Sac") of Chapter 17.48 ("Development Standards") of Title 17 ("Zoning") is deleted in its entirety.

~~17.48.080 — Modified Front Yard on Cul-de-Sac The depth of the required front yard on lots facing directly upon the arc of a cul-de-sac shall be measured on an arc parallel to the front property lines comprising the arc of the cul-de-sac and being a distance therefrom one-half the required front yard depth as prescribed for each zone. This modified front yard shall extend around the circumference of the cul-de-sac only to the points at which the rear lines of the required front yard, on the portions of the street not located on the cul-de-sac, extended, intersects the arc representing the rear line of the modified required front yard.~~

**SECTION 9. CEQA Finding.** The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts. The adoption of this ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

**SECTION 10. Effective Date.** This Ordinance is adopted by the City Council and shall take effect 30 days after approval by the City Council. This Ordinance and the City Clerk's certification, together with proof of publication, shall be entered in the Book of Ordinances of the City Council.

**SECTION 11. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**PASSED, APPROVED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
John Capoccia, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Shollenberger, City Clerk

I, Nancy Shollenberger, City Clerk of the City of Sierra Madre, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Sierra Madre held on the \_\_\_\_ day of \_\_\_\_\_ 2016, and was adopted at its regular meeting of \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES

ABSTAIN:

ABSENT:

## **Chapter 17.20 - R-1 ONE-FAMILY RESIDENTIAL ZONE**

### **17.20.010 - Purpose.**

In order to maintain the historical, architectural and ecological integrity and quality of the existing single-family residential areas within the city, the following purpose is set forth:

A. To encourage development that preserves the small town, mountainous flavor of this closely-knit foothill community;

B. To encourage preservation of historical structures;

C. To encourage architectural diversity while maintaining architectural accord with the character of the existing neighborhood;

D. To promote design in accordance with recognized principles of architecture. Individual designs should reflect only one style of architecture, avoiding the mixture or combined use of several different ones. Classically defined styles would include Craftsman, Victorian, Tudor, Classic Box, Mediterranean, Board and Batten, California Ranch House, etc.

E. To promote consideration of one another's valley and mountain views:

1. Designs should consider, to the extent reasonably practicable, the neighbors' existing view,

2. Plan should consider the existing and finished grades of the site to be improved in relation to adjacent properties encouraging retention of building heights, mass, scale, orientation, configuration and colors that blend in with the character of the neighborhood;

F. To ensure adequate light, air, privacy, and open space for each dwelling and in relation to adjacent dwellings;

G. To encourage appropriate scale and size of new construction and reconstruction that is compatible with the existing neighborhood and surroundings.

*(Ord. 1098 § 1, 1993: prior code § 9250)*

### **17.20.015 Definitions**

In addition to the definitions contained elsewhere in this title, the words and phrases set forth below shall be given the following meanings for the purposes of this chapter:

“Attic” means the area located between the uppermost plate and the roof or ridge of a structure.

“Basement, Full” means basements that do not extend more than 12 inches above adjacent grade at any point around the perimeter of the structure as measured from the ceiling of the basement to the adjacent grade.

“Basement, Partial” means basements that do not extend more than an average of 3 feet above the lower of natural, pre-existing or finish grade, and not more than 8 feet at any point around the perimeter of the



structure, as measured from the ceiling of the basement to the adjacent lower of natural, pre-existing or finished grade.

“Bedroom” means any room, capable of being used as sleeping quarters in a customary manner.

“Driveway” means an area of pavement or other pervious or impervious surface that provides vehicular access from an alley, public or private street to a parking area, garage or carport on a parcel.

“Flag Lot” means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access corridor or way to the main body of the lot from the street of access.

“Gross Floor Area” means the sum of all horizontal areas of floors covered by solid roof including first and second floors, attic spaces over 7.5 feet in height, basements, lofts, guest houses, garages, carports, patios, porches, balconies, barns, gazebos, and raised decks which are higher than 7.5 feet from natural or pre-existing grade as measured from the perimeter of the structure. Further, the area of interior spaces over 16 feet in height shall be counted as double the floor area (see Diagram A), except for stairways and elevator shafts, which shall only be counted once. The horizontal floor area of vents, shafts, and courts shall be included in the calculation of gross floor area.

Gross floor area shall be measured from the exterior face of exterior walls. In cases where there is no wall, the measurement should be from the exterior face of the supporting posts; for cantilever-covered areas, the gross floor area shall be measured from the edge of the roof eaves excepting any roof eave exemptions, as provided below. The following shall not be computed towards floor area:

1. Roof eaves up to 4' in projection. Roof eaves that exceed 4 feet in projection but not more than 6 feet in projection may be excluded from the total floor area calculation subject to approval of a minor conditional use permit pursuant to Section 17.60.055.
2. Full Basements.
3. Partial basements, subject to the approval of a minor conditional use permit pursuant to the requirements of Chapter 17.60.
4. Attic areas that meet all the following requirements:
  - (i) Areas with vertical clearance of 5 feet or greater that are less than 60 percent of the surface of the building footprint, including dormer areas;
  - (ii) Areas which do not include any doorway entrance that leads to an adjacent rooftop deck, patio attachment and/or exterior staircase;
  - (iii) Areas which do not include an individual dormer which has a width greater than 7 feet;
  - (iv) The combined width of all dormers along a roofline do not exceed 50 percent of the width of the roofline, and
  - (v) No portion of any dormer is higher than the main roofline of the house.

5. Porches on the ground floor that are attached to the primary residence, face the street (not fronting on common side or rear property lines), and are not enclosed between the heights of 3 feet and 7 feet, with the exception of posts and building face or faces to which the porch is attached.

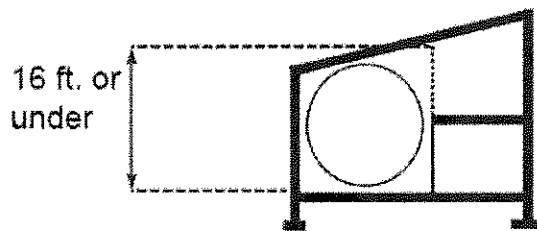
“Habitable Attic Space” means an attic space with an occupiable floor area of at least 70 square feet, a minimum vertical clearance of 7 feet and an average height of 7.5 feet, and which meets minimum lighting, heating, ventilation and access requirements.

“Lot Coverage” means the area of land covered by solid roofed structures, whether habitable or nonhabitable, including, but not limited to: building footprints of a single-family dwelling, detached garages, barns, covered patios, and other solid roofed accessory structures constructed on a foundation whether above, below, or at grade level. Raised decks which are over 7 feet 6 inches from grade shall be included in the lot coverage calculation.

“Lot Line, Front”. “Front lot line” means a lot line parallel to, and abutting, the right of way providing primary access to the property, except in the case of nonstandard lot configurations such as flag lots, irregularly shaped lots, reverse corner lots, or properties where access is provided by easements or private roads. In such nonstandard instances, the front lot line or lines shall be determined by the Director of Development Services, or his/her designee, based on the character of other improvements in the vicinity; however, in no case, may the front lot line fall within any portion of any recorded easement or access corridor.

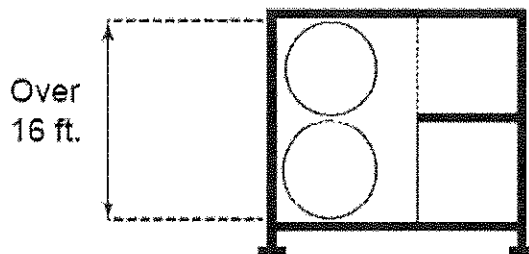
## DIAGRAM A

For the purposes of computing gross floor area, the height is measured from floor to ceiling. In the following examples, two circles are drawn on the spaces that are counted twice.



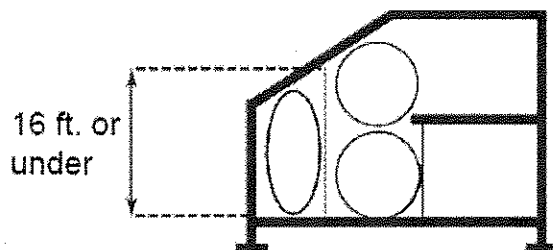
EXAMPLE 1

If the height of a space is 16 ft. or less, the area is counted once.



EXAMPLE 2

If the height of a space is over 16 ft., the area is counted twice.



EXAMPLE 3

If the height of a part of the space is over 16 ft., only that area is counted twice.

### 17.20.020 - Permitted uses.

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

A. One-family dwellings of a permanent character; not more than one per lot (except for second units in compliance with Chapter 17.22); placed in a permanent location, containing not more than one kitchen; used by but one family; and not used for commercial purposes other than home occupations (dwelling unit shall include site-built and modular homes).

B. Home occupations, pursuant to the provisions of Chapter 17.85 of this title.

C. Accessory Buildings and Uses. The following accessory buildings and uses are permitted:

1. Detached accessory structures, such as garages, open carports, gazebos, workshops and similar uses;

2. Residential communication facilities and devices intended for the noncommercial use and enjoyment of the resident of the property on which the use is located, as provided in Chapter 17.93 of this code;

3. Walls and fences pursuant to the provisions of Section 17.48.130.

4. Miscellaneous structures and uses measuring less than one hundred twenty square feet, such as trash enclosures, barbecues, tool sheds and similar structures and uses.

D. Dogs and cats as household pets not to exceed three adults (four months or older) in number in any combination for each dwelling unit.

E. A trailer used as the residence of the owner and his/her family during construction by such owner of a permanent residence, but only while a building permit for the construction of such residence is in full force and effect and in no event longer than six months.

F. Servants' quarters and guest houses may be maintained on any lot; provided, that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

G. Agricultural crops, greenhouses, fruit trees, vines and nurseries for producing trees, vines and other horticultural stock and including the wholesale and retail sale thereof; provided, that no signs, displays or stands are maintained in conjunction therewith and that all structures maintained on the property conform to the yard requirements herein specified.

H. Public parks, playgrounds and other public recreation facilities.

I. Signs in accordance with the regulations contained in this title.

J. Garage and Yard Sales

1. Purpose. The purpose of this subsection is to provide regulation of garage and yard sales within the city.

2. Definitions. The phrase "garage or yard sale" means any sale of personal property on residentially zoned property to which the public is invited or encouraged to attend. "City" means the city of Sierra Madre.

3. Permit Required. No person shall conduct a sale regulated by this section until such a person has applied for and received a permit from the city. The permit shall be issued for a fee, as established by resolution of the city council. A copy of the permit shall be displayed at the site of the sale. Failure to apply for a permit, prior to the day of the sale, will subject the violator to a penalty as established by resolution of the city council.

4. Frequency of Sales and Hours of Operation. No more than three garage or yard sales shall be conducted in any calendar year at any single address. No such sale shall exceed two consecutive days in duration. All such sales shall commence no earlier than eight a.m. and shall conclude no later than six p.m.

5. Merchandise. No merchandise to be sold shall be placed or displayed on public property or in the public right-of-way. All goods offered for sale shall be the property of the owner, tenant or occupant of the residence. No new merchandise shall be offered for sale.

6. Garage and Yard Sale Signs. Garage sale signs shall not be posted in public view before six a.m. the day of the sale and shall be removed by eight p.m. on the final day of the sale. Signs put up prior to or left after these times may be removed by the city, and the permit holder will be subject to paying the cost of removing these signs. Temporary garage and yard sale signs may be displayed in the following manner:

a. A single sign, not greater than five square feet in sign area, may be placed on a stake, or similar method, within the parkway portion of the public right-of-way directly in front of the property where the permitted garage or yard sale event is to be conducted. In no case shall the subject sign be maintained within the paved street.

b. A sign, not greater than five square feet in sign area, may be placed on, or within, a vehicle parked within the public right-of-way, for the purposes of advertising a garage or yard sale event. There shall not be more than four vehicles used to display a garage or yard sale sign, and not more than one sign may be located on or within each vehicle.

c. In no case shall any temporary garage or yard sale sign be placed or affixed to a tree, light pole, utility pole or traffic control/information sign post, or similar item.

K. Swimming Pools. Swimming pools, hot tubs, spas, and similar recreational facilities pursuant to the provisions of Section 17.20.065.

L. Vehicle Parking. The use of unimproved lots or parcels for temporary, and/or ongoing, vehicle parking may be permitted as follows:

1. Subject to the approval by the director of development services of a minor conditional use permit pursuant to the provisions of Section 17.60.055.

2. That each vehicle parking site shall only be utilized for noncommercial residential vehicle parking. No vehicle parking fee shall be collected by the property owner;

3. There shall be no storage of recreational vehicles, including, but not limited to, motorhomes, recreational and equipment trailers, boats and watercraft and similar items.

*(Ord. 1247 § 3, 2006; Ord. 1179 § 1, 1999; Ord. 1177 § 2 (part), 1999; Ord. 1161 § 2B, 1998; Ord. 1107 § 1, 1993; Ord. 1084 § 1 (part), 1992; Ord. 1038 § 1, 1988; Ord. 1037 § 5, 1988; Ord. 996 § 2, 1982; prior code § 9251)*

**17.20.025 - Conditionally permitted uses.**

A. Houses requiring additional height to accommodate an architectural feature (such as a roof, that is characteristic of the style of architecture that is used for the house or for other particular design purposes with a maximum height of thirty feet, zero inches pursuant to the findings listed in Section 17.60.040.

B. Except for replacement of an existing two-story structure lost due to a fire or other casualty event, any second-story addition to an existing single-family house or any new construction proposed to include a second story.

C. Allowable gross floor areas for all structures on a single lot that exceeds, either by addition or new construction, the amounts indicated below:

- (i) Lot areas up to 7,500 sq.ft.: 2,500 square feet of floor area;
- (ii) Lot areas from 7,501 – 11,000 sq.ft.: 3,000 square feet of floor area;
- (iii) Lot areas from 11,001 and up: 3,500 sq.ft. of floor area

D. Conditional uses allowed under Section 17.60.030.

E. Swimming Pools. Swimming pools, hot tubs, spas and similar recreational facilities which are located within twenty-five feet, and is visible to or from a public or private street or alley pursuant to the provisions of Chapter 17.60 of this title. If the swimming pool, hot tub, spa and similar recreational facility are enclosed by a six-foot-tall, which on sloping terrain may deviate a maximum of eight inches above or below the six-foot height, solid fence or wall, then the provisions of Section 17.20.060 shall apply.

*(Ord. 1177 § 2 (part), 1999; Ord. 1115 § 6, 1995)*

**17.20.030 - Standards of development—Generally.**

All premises in the R-1 zone shall comply with the standards of development set forth in the following sections.

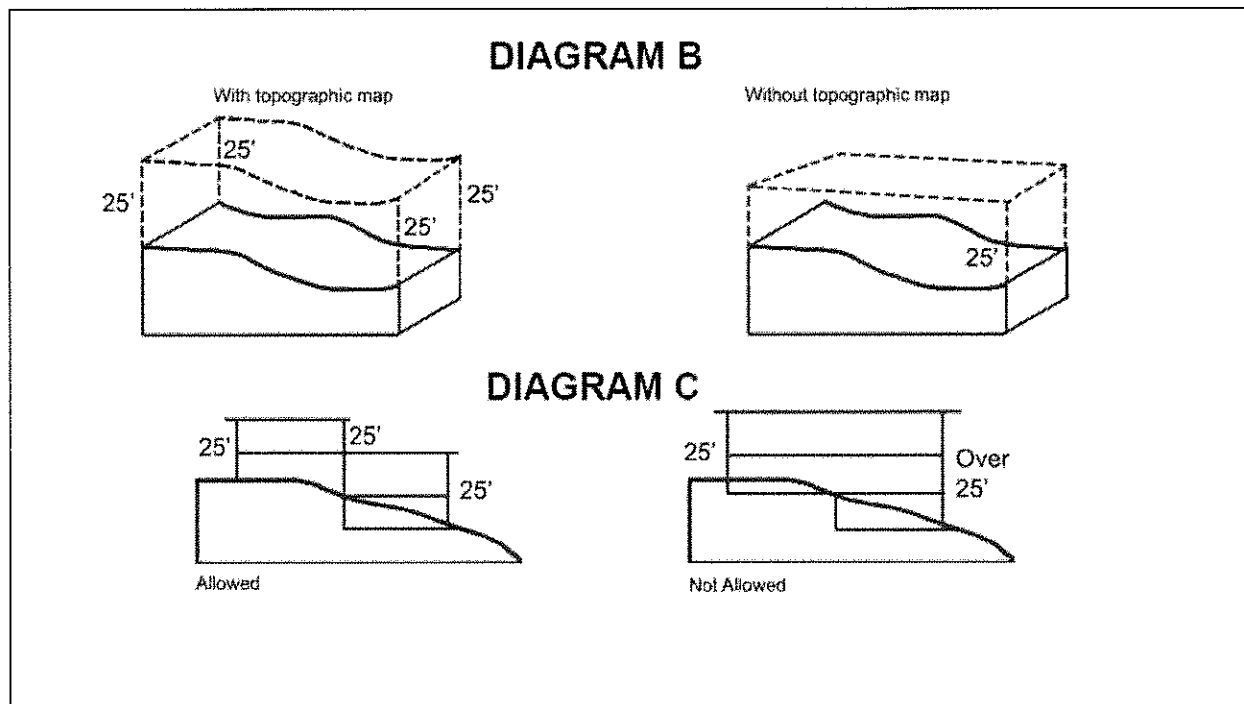
*(Prior code § 9252 (part))*

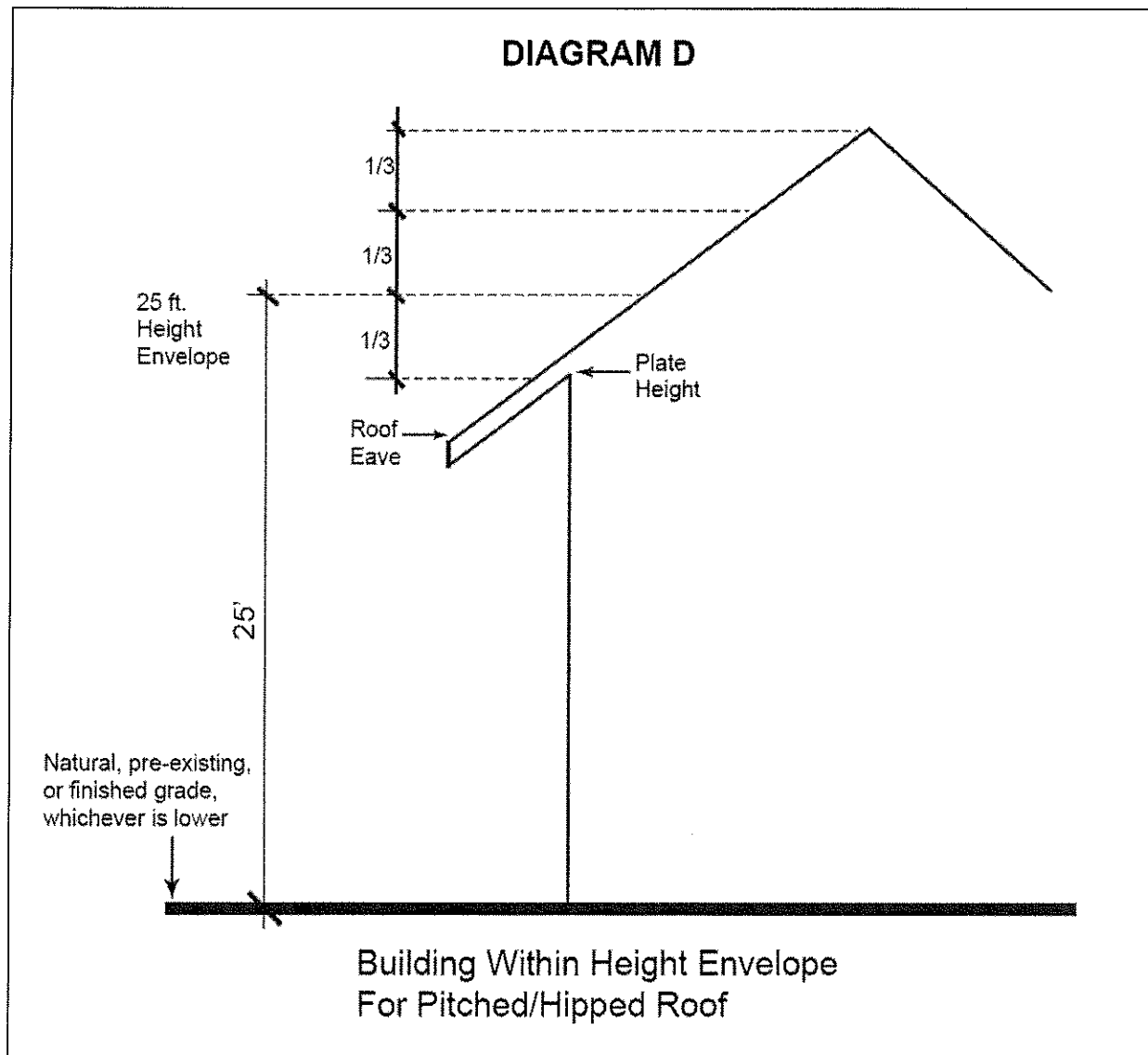
**17.20.040 - Height.**

A. Establishing the Maximum Building Envelope. A building envelope shall be established twenty-five feet as measured from a warped plane defined by the adjoining natural or pre-existing grade, or finished grade, whichever is lower, around a five-foot perimeter of the building. If an applicant does not submit a topographic map that enables the warped plane to be established, then, the building envelope shall be established twenty-five feet as measured from a single point determined to be the lowest point of natural grade or pre-existing grade and establishing a flat plane which intersects the point as shown in Diagram B.



B. Placing Building Within Height Envelope. A building shall be placed within the envelope so that at no point does the height exceed the envelope as shown in Diagram B. Further, the height shall be measured from the lowest point of adjoining natural or pre-existing grade, or finished grade, whichever is lower, around the perimeter of the building to the highest point of the coping of a flat roof or to a point one-third of the height of a pitched or hipped roof, as shown in Diagram D. If a structure includes a basement that either can be entered at any point of the grade, or, where the floor line above the grade is greater than six feet at any point, then the height limit shall be measured from the floor of the basement at every point where this occurs as shown on Diagram C. The intent of this provision is to eliminate the appearance of three stories and shall not be circumvented.





C. Applicant's Submittal. The applicant's submittal shall clearly show the location of the pre-existing or natural grade, as well as finished grade, on the site and on the adjacent properties and building placement on all four elevations. The roof line must be within twenty-six feet of a level graded area of at least ten feet in depth over twenty-five percent of the perimeter of the building.

(Ord. 1115 § 7, 1994; Ord. 1035 § 2, 1987; Ord. 1024 § 3, 1986; prior code § 9252(a))

**17.20.050 - Primary structures.**

The following development standards shall apply to all primary structures within the R-1 zone as follows:

A. Front Yards. The following standards shall apply to all R-1 zoned property:

1. Standard Front Yard Setback. Every lot in the R-1 zone shall have a front yard of at least twenty-five feet, except as provided in this chapter.

2. Front Yard Setbacks Greater than Twenty-Five Feet. Whenever fifty percent, or greater, of the properties on the same side of the street in any block as the project site have been developed with structures where the front yard setback is greater than thirty feet, then all building and/or structures thereafter constructed, enlarged, erected or established within any such block on the same side of the street as shown on one of the following scenarios under Diagram E which most closely represents the conditions which apply to the project site. In no case, shall the required front yard setback exceed seventy-five feet.

3. Projections Into the Front Yard. Projections into the required front yard setback may occur as follows:

a. A nonhabitable covered front porch, with or without supports, may encroach a maximum of six feet into the required front yard setback. In no case may the encroachment be closer than ten feet to the front property line.

b. An open, uncovered balcony (not covered by a roof or similar structural feature) may project into the required front yard setback a maximum of forty-eight inches.

c. An open balcony, covered only with a roof feature and supports, may extend into the required front yard setback a maximum of forty-eight inches, pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055.

B. Side Yards. The following side yard setback standards shall apply to all R-1 zoned property:

1. New Construction. Except as otherwise provided, all construction of new primary structures on all property shall conform to the following side yard setback standards:

a. Lots or Parcels of Sixty Feet or Less in Width. Lots or parcels measuring sixty feet or less, as defined in this title, shall have a minimum side yard setback of not less than five feet, on each side. However, in no case shall any structure exceed a total width of forty two feet.

b. Lots or Parcels Greater than Sixty Feet in Width. Except as otherwise provided in this chapter, lots or parcels measuring greater than sixty feet in width, as defined in this title, shall have a cumulative side yard setback dimension (both side yard setbacks combined) of not less than thirty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side.

c. Reverse Corner Lots or Parcels. Lots or parcels which have a "reverse corner" configuration, as defined in this title, shall have an interior side yard setback as set forth in

Subsection (B)(1) of this section. The "reverse corner" lot or parcel shall have a minimum twenty-five foot setback adjacent to the secondary street frontage.

d. Attached Open Structures. Open single story attached structures, such as porte cocheres, patio covers, porch covers and similar structures which are attached to the primary structure may encroach into the required cumulative side yard setback dimension, as set forth in Subsection (B)(1)(b) of this section, where the attached open structure is located no closer to the side yard property line than a minimum of five feet or ten percent of the width of the lot or parcel, whichever is greater.

2. Additions Onto Existing Primary Structures. Additions onto existing primary structures shall conform to the provisions of Subsection (B)(1) of this section, except as provided as follows:

a. Single Story Additions of Less than Fifty Percent. Single story additions onto existing primary structures, which results in an increase in gross floor area of fifty percent or less of the original structure, and which is consistent in height and character with the original structure, may be aligned with the existing legally constructed side yard setback of the primary structure, subject to the approval by the director of development services of a minor variance, pursuant to Section 17.60.025.

b. Single Story Additions Greater than Fifty Percent. Single story additions onto existing primary structures, which result in an increase in gross floor area of greater than fifty percent of the original structure, may be aligned with existing legally constructed side yard setback of the primary structure, subject to the approval of a conditional use permit pursuant to the provisions of Chapter 17.60 of this title.

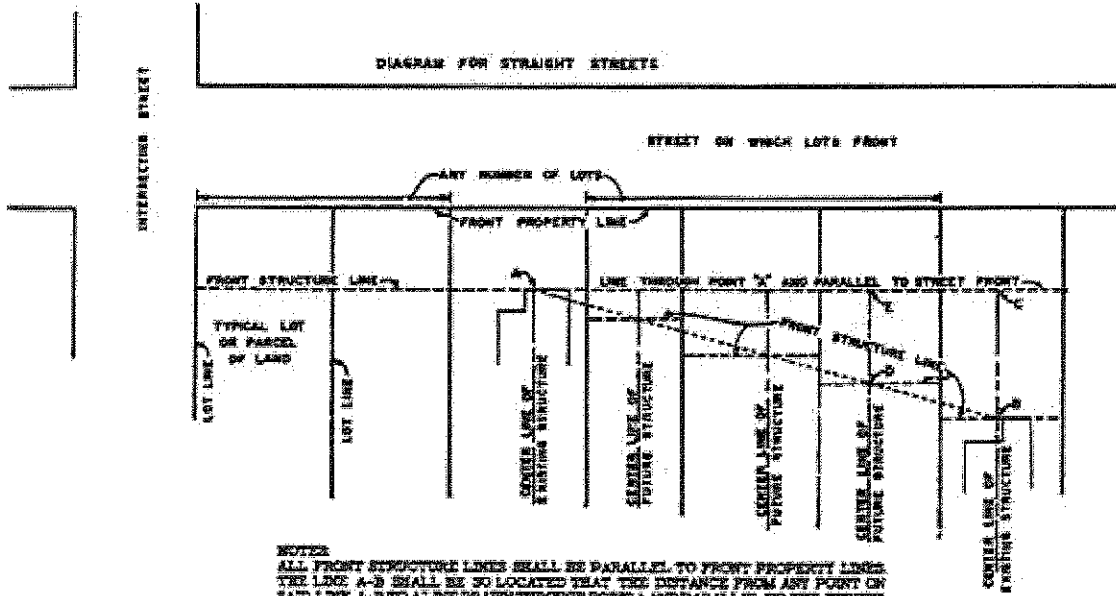
3. Reduced Cumulative Setback Dimensions. The cumulative required setback dimensions may be reduced from thirty percent to twenty percent pursuant to the following provisions:

a. New Construction. New construction of primary structures may have a reduced cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, provided that the total lot coverage does not exceed forty percent and pursuant to the approval of a conditional use permit subject to the provisions of Chapter 17.60.

# DIAGRAM E

## DIAGRAMS SHOWING METHOD OF ESTABLISHING FRONT STRUCTURE LINES

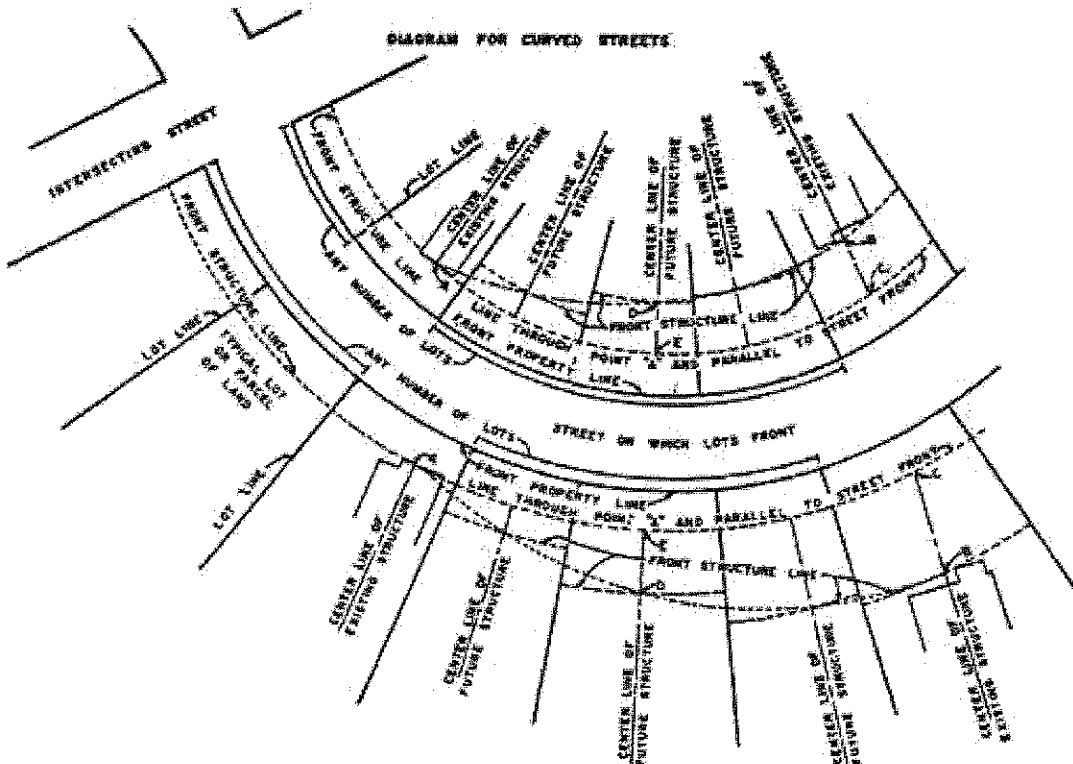
### DIAGRAM FOR STRAIGHT STREETS



#### NOTES

ALL FRONT STRUCTURE LINES SHALL BE PARALLEL TO FRONT PROPERTY LINES. THE LINE A-B SHALL BE SO LOCATED THAT THE DISTANCE FROM ANY POINT ON SAID LINE A-B TO A LINE DRAWN THROUGH POINT A AND PARALLEL TO THE STREET FRONT SHALL BE PROPORTIONAL TO THE DISTANCE OF SUCH POINT FROM POINT A. B-C IS TO A-C AS D-E IS TO A-E. POINTS A AND B ARE THE INTERSECTIONS OF THE CENTER LINE OF THE NEAREST EXISTING STRUCTURES ON THE TWO SIDES OF THE LOT IN QUESTION, WITH THEIR RESPECTIVE FRONT STRUCTURE LINES. THE FRONT STRUCTURE LINE FOR ALL LOTS BETWEEN AN INTERSECTING STREET AND THE NEAREST STRUCTURE THERE TO SHALL BE THE FRONT STRUCTURE LINE OF SAID NEAREST STRUCTURE. THESE NOTES APPLY TO BOTH STRAIGHT AND CURVED STREETS.

### DIAGRAM FOR CURVED STREETS



b. One or Two Story Additions of Fifty Percent or Less. One or two story additions onto existing primary structures, where the floor area of the addition does not exceed fifty percent of the gross floor area of the existing primary structure, may be constructed with cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055, except that when a conditional use permit is required under Section 17.20.025, the request for the abovementioned reduction of the cumulative side yard setback shall be included as part of the conditional use permit.

c. One or Two Story Additions of Greater than Fifty Percent. One or two story additions onto existing primary structures, where the floor area of the addition is greater than fifty percent of the gross floor area of the existing primary structure, may be constructed with cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, pursuant to the approval of a conditional use permit pursuant to the provisions of Chapter 17.60

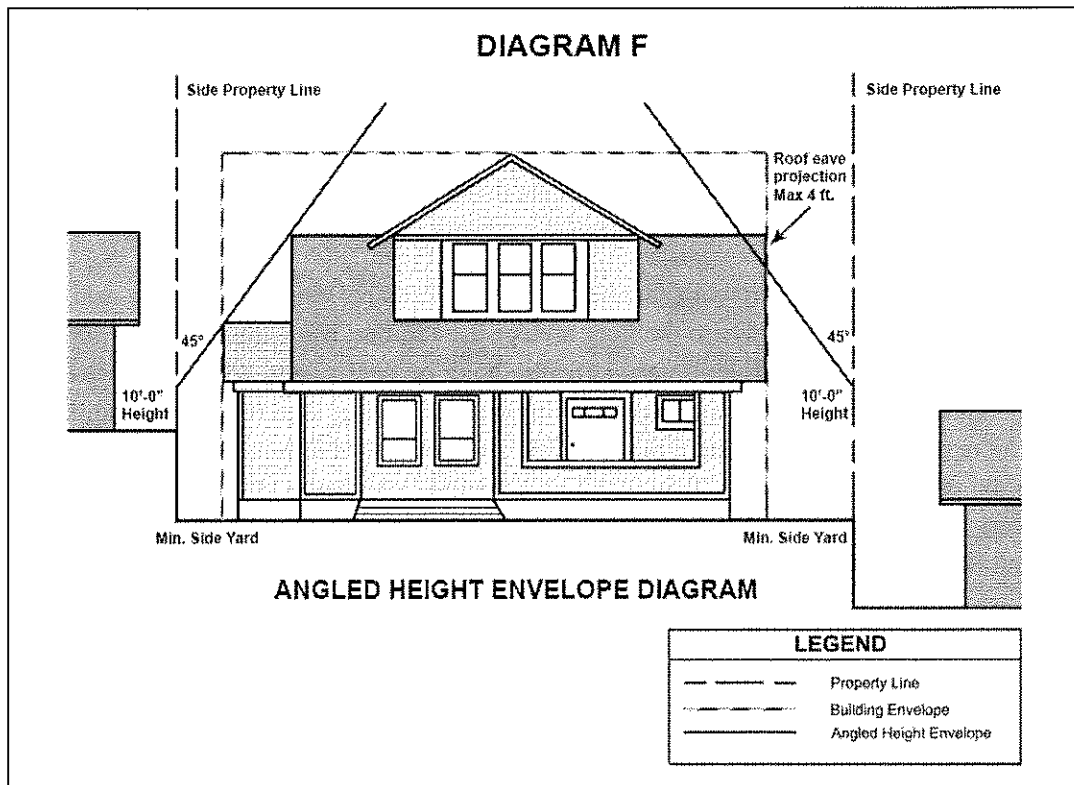
C. Rear Yards. The minimum rear yard setback shall be 15 feet from the rear property line.

*(Ord. 1177 § 2 (part), 2000; Ord. 1115 § 9, 1995; prior code § 9252(b))*

#### **17.20.053. Angle Plane.**

Notwithstanding the provisions under 17.20.050(B) Side Yards, no portion of a building shall exceed the height of a forty-five (45) degree plane drawn from a height of ten feet above existing ground level at the side lot line boundaries of the lot (see Diagram F), provided the second floor shall not be required to be located further than twice the required setback, whichever is less. Roof eaves projecting a maximum 4 feet out from the vertical plane of the exterior wall surface are exempted. Existing ground level shall be the grade elevation of the subject site at the side lot line boundaries prior to start of construction. Encroachments exceeding the angle plane height by not more than 10 linear feet may be allowed subject to the approval of a minor conditional use permit; encroachments exceeding 10 linear feet may be allowed pursuant to the approval of a conditional use permit pursuant to the provisions of Chapter 17.60. Linear feet shall mean the total combined linear feet of encroachment area(s) measured horizontally along the side face of the building.





**17.20.055 Off-street parking requirements for new construction, additions and/or remodeling.**

New construction, or additions and/or remodeling which results in an increase to the number of bedrooms of the existing primary structures, shall be subject to the required off-street parking requirements as set forth in Section 17.68.020(A).

**17.20.060 - Accessory structures.**

The following standards shall apply to all accessory structures:

A. Detached Accessory Structures. Workshops and storage sheds shall be located behind the street-facing building line of the primary structure on the property, unless authorized with the approval of a minor conditional use permit pursuant to Section 17.60.055. Single-story detached accessory structures, such as gazebos, workshops, storage sheds and similar uses which measure six hundred square feet or less, and with a maximum height of fifteen feet from finished grade to top of ridge as follows:

1. Minor Conditional Use Permit. May be located five feet from the side and/or rear property lines subject to the approval of a minor conditional use permit pursuant to Section 17.60.055.
2. Permitted. When in conformance with the provisions of Section 17.20.050 (Primary

structures) and located behind the street-facing building line of the primary structure on the property. Detached accessory structures which exceed six hundred square feet and/or are two stories or greater shall conform to the provisions of Section 17.20.050 (Primary structures).

**B. Detached Garages.** Detached garages may be located as follows:

1. **Single-Story Detached Garages.** Single-story detached garages, measuring six hundred square feet or less, with a maximum height of fifteen feet as measured from lowest point of adjoining natural or pre-existing grade, or finished grade, whichever is lower, around the perimeter of the garage, to the highest point of the coping of a flat roof or to a point one-third of the height of a pitched or hipped roof, as shown in Diagram B of Section 17.20.040 (Height), may be located a minimum of three feet from the side or rear property line if the detached garage is located behind the primary structure.
2. Detached accessory garages, which exceed six hundred square feet, are greater than fifteen feet in height as described in 2.C.1 above, are two stories or greater, or are located in front of the primary structure shall conform to the provisions of Section 17.20.050 (Primary structures).

**C. Detached Open Carports.** For single-story detached carports, which are open on at least two sides, measuring six hundred square feet or less, and with a maximum height of fifteen feet as follows:

1. **Minor Conditional Use Permit.** May be located a minimum of three feet from the side and rear property lines subject to the granting of a minor conditional use permit pursuant to the provisions of Section 17.60.055.
2. **Permitted.** When in conformance with the setback provisions as set forth in Section 17.20.050 (Primary uses).

**D. Miscellaneous Structures and Uses.** Miscellaneous structures and uses, such as trash enclosures, barbecues, tool sheds, water heaters, air conditioning units, ground-mounted solar equipment and similar uses, measuring less than one hundred twenty square feet as follows:

1. **Minor Conditional Use Permit.** May be located a minimum of five feet from the side and rear property lines subject to the granting of a minor conditional use permit pursuant to the provisions of Section 17.60.055 (Minor conditional use permits);
2. **Permitted.** When in conformance with the setbacks provisions as set forth in Section 17.20.050 (Primary structures).

**E. Fences.** The provisions of Section 17.48.130 shall apply.

**F. Non-commercial Communication Facilities.** Communication facilities that meet the requirements of Chapter 17.93, and which are intended for the noncommercial use and enjoyment by a resident of the property on which the device is located (e.g. television antenna, satellite dishes, and amateur ham radio towers) are either permitted or conditionally permitted as follows:

1. **Permitted.** The following such facilities are permitted:
  - a. Facilities that are exempt from Chapter 17.93 pursuant to Section 17.93.030.
  - b. Facilities for which a permit has been issued consistent with Chapter 17.93.

- c. Satellite dish antennas which are not exempt under Chapter 17.93, but which are ground mounted or which are mounted on a mast which is not greater than twelve feet in height as measured from the point of existing adjoining grade.
- 2. Minor Conditional Use Permit. Any noncommercial communication device which is not exempt from Chapter 17.93, which does not require a permit to be issued consistent with Chapter 17.93, and which does not conform to the provisions of subsection (E)(1) of this section may be established, subject to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055.

#### **17.20.065 Swimming Pools.**

Swimming pools, hot tubs, spas, pool/spa equipment and/or similar recreational facilities as follows:

- 1. Adjacent to a Public or Private Street or Alley. For swimming pools, hot tubs, spas, pool/spa equipment or similar recreational facilities located adjacent to a public or private street or alley, the following provisions shall apply:
  - a. Conditional Use Permit. The facility may be located within twenty-five feet of a public or private street or alley, and visible to the adjoining public or private street or alley, with the approval of a conditional use permit pursuant to the provisions of Chapter 17.60 of this title.
  - b. Permitted. Where the facility is enclosed by a solid fence or wall of six feet in height (Note: On sloping terrain, the solid fence or wall may deviate a maximum eight inches above or below the six-foot height). In such case, the facility shall be located no closer than five feet to the property line. In no case shall the facility be visible to an adjoining public or private street or alley.
  - c. Minor Conditional Use Permit. Where the facility is located greater than twenty-five feet from a public or private street or alley, but is visible to or from the adjoining public or private street or alley.
- 2. Side or Rear Property Lines. Five feet from the side or rear property line.

*(Ord. 1247 § 4, 2006; Ord. 1177 § 2 (part), 2000; Ord. 1115 § 10, 1995; Ord. 1047 § 1, 1988; Ord. 1024 § 2, 1986; prior code § 9252(c))*

#### **17.20.080 - Lot area generally.**

- A. The minimum required lot area in the R-1 zone shall be seven thousand five hundred square feet unless otherwise designated on the zoning map.
- B. When property has been classified and designated on the zoning map as R-1-9, the minimum required lot area shall be nine thousand square feet.
- C. When property has been classified and designated on the zoning map as R-1-11, the minimum required lot area shall be eleven thousand square feet.

D. When property has been classified and designated on the zoning map as R-1-15, the minimum required lot area shall be fifteen thousand square feet.

*(Prior code § 9252(e))*

**17.20.090 - Lot area per dwelling.**

Lot area per primary dwelling unit in the R-1 zone shall be not less than the minimum required lot area. This section shall not apply to second units in compliance with Chapter 17.22.

*(Prior code § 9252(f))*

**17.20.100 - Newly created lots—Rear line width.**

Every lot in the R-1 zone hereafter created shall have a width at the rear line of a twenty-five foot front yard setback of not less than the following:

- A. Lots required to have a minimum lot area of less than nine thousand square feet: sixty feet;
- B. Lots required to have a minimum lot area of between nine thousand and ten thousand nine hundred square feet: seventy feet;
- C. Lots required to have a minimum lot area of between eleven thousand square feet and fourteen thousand nine hundred ninety-nine square feet: eighty feet;
- D. Lots required to have a minimum area of or in excess of fifteen thousand square feet: ninety feet.

*(Prior code § 9252(g))*

**17.20.110 - Newly created lots—Minimum average width.**

Each lot in the R-1 zone hereafter created shall have an average width of not less than ten feet less than the required frontage appertaining to such lot, as set forth in Section 17.20.100.

*(Prior code § 9252(h))*

**17.20.120 - Permissible lot coverage.**

All buildings in the R-1 zone, including accessory buildings and enclosed porches, shall have a maximum lot coverage of forty percent of the area of the lot, and must also be within the allowable floor area as defined in Section 17.20.125.

*(Ord. 1115 § 12, 1995; Ord. 1066 § 1, 1990; prior code § 9252(i))*

**17.20.121 Landscaping and paving in front yard**

A. Landscaping. A minimum of fifty percent of the front yard area shall be landscaped. Landscaping shall include plant materials such as trees, shrubs, vines, ground covers, flowers, and lawn, and shall exclude areas such as driveways, walkways, landings, porches, patios and similar areas.

**B. Minimum Standards for circular driveways.**

1. Circular driveways are allowed after the required parking and minimum front yard setback of 25 feet have been provided.
2. Minimum lot width shall be 80 feet.
3. Driveway width shall not exceed 12 (twelve) feet.
4. The front yard may be paved in the minimum amount necessary to construct a circular driveway.
5. The Development Services and Public Works Departments shall review and approve the proposed driveway approaches, the distance between the curb cuts, and the potential traffic impacts that could result from the installation of the circular driveway.

**17.20.125 - Allowable gross floor area.**

A. Allowable gross floor area on a single lot shall not exceed, either by addition or new construction, the amounts indicated in the following table:

Lot Area (square feet – SF)*	Allowable Gross Floor Area (SF)**
Under 7,500 sf	35% of lot area
7,500—11,000 sf	2,625 sf + 25% of lot area over 7,500 sf
Over 11,000 sf	3,500 sf + 12% of area over 11,000 sf
Over 30,000 sf	5,780 sf + 10% of area over 30,000 sf plus 5% of area over 30,000 sf for detached accessory buildings, such as a permitted second unit, guest house or detached garage.

*(Ord. 1115 § 13, 1995)*

\* Flood control easements shall be included in the computation of lot area and access easements shall be excluded from the computation of lot area.

\*\* For smaller lots where the maximum building floor area allows less than 1,000 square feet, a maximum 1,000 square feet is permissible if all other zoning standards can be met.

B. The calculation of allowable gross floor area shall include all areas that are considered gross floor area under Section 17.20.015 of this title.

*(Ord. 996 § 3 (part), 1982: prior code § 9252(j))*

**17.20.140 - Minimum dwelling width.**

No dwelling in the R-1 zone shall have a width less than fifteen feet.

*(Ord. 996 § 3 (part), 1982: prior code § 9252(k))*

**17.20.150 - Limitations on uses.**

The following regulations are limitations on, and are applicable to all uses in, the R-1 zone:

A. Vehicles.

1. Parking of Vehicles. No person shall park any vehicle or any component thereof, for any purpose, in any front or side yard area on any lot, except in driveway areas.

2. Repair, Dismantling or Storage of Vehicles. No person shall assemble, repair, dismantle or store any vehicle, other than as herein provided, on any part of any lot, unless such work is done:

a. Within an enclosed building; or

b. In an open area which is completely enclosed by view-obscuring walls, not less than six feet in height, or by exterior walls of a building or buildings.

3. Exception. The prohibition imposed by subsection A2 of this section shall not be deemed to apply to the occasional and incidental assembly or repair of vehicles owned by the persons in possession of the premises on which such takes place; provided, that a disabled vehicle which is being repaired or assembled shall not be stored except as provided in subsection A2 of this section for a period longer than seven consecutive days within any thirty day period.

B. Tents and canopies pursuant to the provisions of Chapter 15.04.050 of Title 15.

*(Ord. 1184 § 3, 2000; Ord. 1084 § 1 (part), 1992; Ord. 973 § 4 (part), 1980; prior code § 9253)*

**17.20.160 - Single-family residence construction requirements for pre-fabricated homes.**

Pre-fabricated (i.e. Modular) homes in the R-1 zone shall be subject to the following standards:

A. Every single-family dwelling shall have exterior walls of brick, wood, stucco, metal, concrete or other similar material. Reflective, roll-formed type metal siding is prohibited.

B. Landscaping. All open areas visible from a street shall be appropriately landscaped. Such landscaping may include grass, flowers, shrubs, trees and ground cover. All landscaped areas and materials shall be regularly and properly maintained.

*(Ord. 996 § 4, 1982; prior code § 9254)*

**17.20.170 - Development or construction site standards.**

The following standards apply to development or construction in the R-1 zone:

A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fences as determined by the building inspector.

B. The residential character of neighborhood to be maintained during construction as to not to become an attractive or public nuisance, due to storage of material, parking or activities of the contractor employees.

C. Temporary services on-site, shall be ten feet behind the property line, i.e., portable toilet facilities.



- D. Rubbish and refuse service with city contractor shall be required at the time the building permit is issued. Service may be weekly pickup service if accessible by a public street, or by scout or commercial service as otherwise authorized.
- E. Contractors, subcontractors shall be required to have a completed subcontractors list for all services and trades and business licenses obtained prior to any construction or request for inspection. Where work for which a permit is required wherein the work has started or has proceeded prior to obtaining said permits or business licenses, the permit fees shall be doubled pursuant to Chapter 15.04 of this code.
- F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit and approval in advance of any activity pursuant to Chapter 12.12 of this code.
- G. The public right-of-way, if improved and in place, or at the entry to the project from an existing street, shall be cleaned each evening by the contractor. Clean up shall include, but not be limited to, streets, roadways, gutters, sidewalks, and parkways.
- H. Violation of subsections A through G of this section may result in the issuance of a stop work order by the building inspector. Work so halted shall have the right of due notice and an administrative hearing upon request.

*(Ord. 1051 § 4 (part), 1989: prior code § 9254)*

# Sierra Madre, CA

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SUPPLEMENT HISTORY TABLE **modified**

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- Chapter 17.24 - R-2 TWO-FAMILY RESIDENTIAL ZONE
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## Chapter 17.60 - VARIANCES AND CONDITIONAL USE PERMITS

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17.60.180 - Modification.

## Chapter 17.60 - VARIANCES AND CONDITIONAL USE PERMITS



### Sections:

#### 17.60.010 - Variances.



When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this chapter occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this chapter.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

(Prior code § 9800)

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#### 17.60.020 - Variances—Burden of proof.



Before any zone variance is granted, the applicant shall show, to the reasonable satisfaction of the body hearing such matter, that there are special circumstances applicable to the property involved, such as size, shape, topography, location or surroundings, which do not generally apply to other adjacent properties included in the same zone as the subject property, which make the granting of the zone variance necessary in order to facilitate a reasonable use of the property involved.

(Prior code § 9801)

### **17.60.025 - Minor variances.**



The director of development services may grant a minor variance from regulations, as specified in Chapter 17.20 or Chapter 17.30 of this code, as applicable.

- A. Application. Applications for a minor variance shall be initiated by submitting the following materials to the development services department:
  1. A completed application form signed by the property owner or authorized agent, accompanied by the required fees and plans;
  2. Signatures from all owners of property abutting the project site and directly across the street from the project site or written evidence indicating approval of the request, and the posting of a sign on the property for ten days; or
  3. A list, drawn from the last equalized property tax assessment roll showing the names and addresses of the owner or record of each lot abutting the property and each property on the block within one hundred fifty feet of the property, and the posting of a sign on the property for ten days.
- B. Notice.
  1. If the applicant is unable to obtain the written approval of the property owners abutting and directly across the street from the property, notice shall be given to immediately adjacent property owners and property owners on the block within one hundred fifty feet of the subject property to notify them that an application is being filed for a minor variance.
  2. Comments shall be accepted by the director for a ten-day period following the application submittal.
  3. The director may use any comments received to assist in making findings and conditions relating to the application.
- C. Burden of Proof and Conditions of Approval. The director must find, or conditions must be imposed, to insure that:
  1. The project does not adversely impact the public health, safety, and welfare;
  2. The design of the home is improved with the granting of the minor

variance.

- D. An action by the director may be appealed to the planning commission and subsequently to the city council pursuant to Chapter 17.66 of this title.

(Ord. 1234 § 5, 2005; Ord. 1115 § 18, 1995)

(Ord. No. 1313, § 4, 3-22-11)

### **17.60.028 - Modification of required yards.**



The director of development services, may grant a modification of a required yard as follows:

- A. Reduction of open areas by permitting portions of a building to extend into a required yard by not more than ten percent;
- B. A modification of a required yard, as set forth in this section, may be granted pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055 of this chapter;
- C. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115 of this chapter, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

### **17.60.030 - Conditional use permits—When required.**



The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this part, unless such use is designated as a permitted use in a particular zone.

- A. Conditional Uses—All zones except the R-C Zone.
  - Airports, landing fields, heliports, and helistops,
  - Borrow pits to a depth of over three feet,
  - Cemeteries,
  - Child care center (four or more children),
  - Children's treatment center (emotionally disturbed),

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Churches, temples and other places of worship, provided they shall be excluded from the C (commercial) zone, except as provided in Section 17.56.120 of this title,

Clubs, provided they shall be excluded from the R-1 and R-2 zones (see Section 17.36.020(F) of this title),

Columbariums, crematories and mausoleums,

Crops, field, tree, bush, berry, and row, including nursery stock, the growing of (see Section 17.20.020(H) of this title),

Day center (mentally retarded),

Day treatment hospitals,

Dumps,

Educational institutions,

Equestrian establishments,

Establishments or enterprises involving large assemblages of people or automobiles as follows:

Amusement parks,

Circuses, carnivals, or fairgrounds,

Labor camps,

Open-air theaters,

Race tracks and rodeos,

Recreational centers privately operated,

Trailer (mobilehome) parks,

Facilities for parole adjustment/rehabilitation programs,

Facilities for the rehabilitation of drug addicts,

Family home (mentally ill),

Family homes (mentally retarded),

Fraternity,

Golf courses, privately owned,

Home for the aged,

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Hospitality houses,

Hospitals and sanitariums, rest homes, guest homes, convalescent hospitals and similar institutions,

Institutions for treatment of alcoholics,

Livestock, care and maintenance for commercial or noncommercial purposes,

Long-term facility,

Mental hospitals,

Mortuaries,

Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incidental thereto; provided, that no review or permit shall be required for the exploration of oil, rock, sand, gravel, or clay if any other section of this code makes separate provisions with respect thereto,

Nonprofit organizations provided they shall be excluded from the C (commercial) zone except as provided in Section 17.56.120,

Nursing and convalescent hospitals,

Parking lots, commercial,

Public utilities or utilities operated by mutual agencies consisting of water wells, electrical substations, gas metering stations, telephone exchanges, power boosters or conversion plants with the necessary buildings, apparatus, or appurtenances incident thereto when located in other than C or M zones,

Public utility facilities and utilities operated by mutual companies except any public facility for which a building permit is not required pursuant to the city's building regulations, and any such facility which is permitted by a city-granted franchise,

Refuse, disposal of,

Resident facility (mentally retarded),

Resident school (mentally retarded),

Rest home,

Sewage disposal plants,

Sorority,

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Swimming pools, hot tubs, spas and similar recreational facilities which are located within twenty-five feet and/or are visible to or from a public or private street or alley,

Veterinarians, kennels and small animal hospitals,

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the State of California (certain licensed residential care homes);

B. Conditional Uses—R-1, R-2, R-3 and R-C Zones.

Maintenance of keeping of horses or mules, as enumerated in Chapter 6.08, "Animals Generally";

C. Conditional Uses—R-1-9, R-1-11 and R-1-15 Zones.

Granny hospice;

D. Conditional Uses—R-2 Development in the R-2 zone;

E. Conditional Uses—H Zone. Development, structures, grading, or subdivisions;

F. All developments in the R-3 zone;

G. Wireless communications facilities, as provided in Chapter 17.93 of this title.

(Ord. 1247 § 7, 2006; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1177 § 4 (part), 2000; Ord. 1135 § 5, 1996; Ord. 1133 § 5, 1996; Ord. 1116 § 4, 1994; Ord. 1113 § 4, 1994; Ord. 1084 § 1 (part), 1992; Ord. 1079U § 3, 1991; Ord. 1062 § 2, 1990; Ord. 1037 § 6, 1988; Ord. 1033 § 3, 1987; Ord. 1006 § 2, 1983; Ord. 996 § 7, 1982; Ord. 975 § 2, 1980; Ord. 960 § 2, 1978; prior code § 9810)

(Ord. No. 1296, § 3, 7-28-09; Ord. No. 1313, § 4, 3-22-11)

### 17.60.040 - Conditional use permits—Burden of proof.



Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the body hearing such matter, the existence of the following facts:

- A. That the site for the proposed use is adequate in size, shape, and topography;
- B. That the site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;
- C. That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;
- D. That there is a demonstrated need for the use requested;
- E. That the use, if permitted, will, as to location and operation, be consistent with the objectives of the general plan; and

- F. That the public interest, convenience, and necessity require that use be permitted at the location requested.

(Ord. 1084 § 1 (part), 1992; prior code § 9811)

### **17.60.041 - Additional burden of proof for permits for single-family houses as described in Section 17.20.025.**



Additional burdens of proof for permits for single-family houses as described in Section 17.20.025 shall be:

- A. That the proposed project be designed in one consistent style and the height, bulk, scale and mass of new construction and reconstruction be compatible with the existing neighborhood and the surroundings.
- B. That the proposed project reflects the scale of the neighborhood in which it is proposed and that it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting and does not cause adverse impacts.
- C. That the conditional use permit is required to accommodate design features which are characteristic of an identifiable architectural style or a coherent architectural design that is consistent on all sides of the building.

(Ord. 1115 § 17, 1995)

### **17.60.050 - Conditional use permits—Exemption.**



- A. Application of Division—Permitted Use. Notwithstanding the provisions of this chapter, if any use is designated as a permitted principal use in any zone, the conditional use permit requirement shall not apply to that use in that zone.
- B. Nonconformity. None of the uses enumerated in Section 17.60.030, for which a conditional use permit is required, shall be deemed nonconforming if:
  - 1. The same complied with the zoning regulations in effect on June 14, 1977;
  - 2. The same would otherwise have acquired a nonconforming status solely by reason of the application of Section 17.60.030; and
  - 3. There is no alteration or enlargement of the use, nor the commencement of any new use on the lot where located; and
  - 4. The existing valid horse-keeping license has been reviewed under the provisions of Sections 17.60.060 through 17.60.050 prior to December 1, 1978, and a conditional use permit approved for the use.

C.

Effect of Grant of Conditional Use Permit. Where a conditional use permit is granted for one or more uses on a lot, no other use, building or structure shall be located or maintained upon such lot, unless allowed pursuant to the provisions of the conditions of approval imposed upon the issuance of such permit.

(Ord. 1084 § 1 (part), 1992; Ord. 960 § 3, 1978; prior code § 9812)

### **17.60.055 - Minor conditional use permit.**



Uses, activities and development standards listed in sections of this title as permitted subject to the granting of a minor conditional use permit may be approved by the director of development services, without a public hearing, pursuant to the following provisions:

- A. **Application and Fees.** An application for a minor conditional use permit shall be filed by the owner of the property (or authorized agent) for which the permit is requested on forms furnished by the development services department. The applicant shall submit the appropriate fee in conjunction with the submittal of an application, the amount of which is determined by resolution of the city council.
- B. **Public Notice.** A notice that a minor conditional use permit is to be considered shall be mailed to all property owners within a three hundred foot radius of the property where the minor conditional use permit is proposed. The notification shall describe the proposed minor conditional use permit and shall provide a comment period of not less than fourteen calendar days.
- C. **Determination.** Upon consideration of any comments received, the director of development services may approve, conditionally approve, or deny the proposed minor conditional use permit pursuant to the following findings:
  1. That the proposed request will not be detrimental, or otherwise be inconsistent with the residential character of the neighborhood;
  2. That the site of the proposed request is adequate in size, shape and topography to accommodate the request;
  3. That the proposed request will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent property owners;
  4. That there is a demonstrated need for the use requested;
  5. That the proposed request will be arranged, designed, constructed, operated and/or maintained so as to be compatible with the intended character of the surrounding area and shall not change the essential character of the surrounding area from that intended in the general plan.
- D. **Conditions of Approval.** When approving or conditionally approving a minor conditional use permit, the director of development services shall designate conditions deemed necessary to protect the public health, safety and general welfare.
- E.

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Notification of Determination. Within three days upon the determination by the director of development services to approve, conditionally approve or deny the requested minor conditional use permit, notification of the determination shall be mailed to all property owners within a three hundred foot radius of the property where the minor conditional use permit has been requested. In addition, notification of the director's determination shall also be provided to the applicant, council and planning commission.

- F. Appeal. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

### **17.60.056 - Discretionary demolition permit.** Added



- A. Purpose. The purpose of a discretionary demolition permit procedure is to insure that potential historic resources are properly evaluated before they are altered or removed.
- B. Definition. For purposes of this section, "demolition" is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls or roof structure, including supporting members of a single-family dwelling or a duplex.
- C. No single-family dwelling or duplex which was constructed seventy-five years or more prior to the date of the application for review shall be demolished without a discretionary demolition permit.
- D. Procedure: Any application for a discretionary demolition permit shall be accompanied by (i) a written historic assessment or survey completed by a qualified historic preservation consultant selected from the list maintained by the city which concludes that the property proposed to be demolished is not classified under the California Historic Resource Codes 1 to 5 - eligible for local listing or designation, or a contributor to an existing or potential district and (ii) an application for replacement development project consistent with the standards and requirements of the applicable zoning district, and (iii) an affidavit of posting of a sign at least three feet by four feet in size, located in a conspicuous place on the property abutting a public street or alley, identifying the property as the subject of an application for a demolition permit. Both the discretionary demolition permit and the application for the replacement development project shall be reviewed concurrently and no discretionary demolition permit shall be approved unless and until the replacement development project is approved.
  1. The reviewing body for a demolition permit and accompanying replacement development project which would not require a conditional use permit under Section 17.60.030 is the planning director.
  - 2.

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The reviewing body for a demolition permit and an accompanying replacement development project which would require a conditional use permit or minor conditional use permit is the planning commission.

- E. No discretionary demolition permit shall be approved unless the reviewing body determines one of the following:
  - 1. The residential structure proposed to be demolished is neither designated on the local list of historic resources nor eligible for designation as an individual resource or contributor to a district or potential district, and the replacement development project is approved; or
  - 2. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.
- F. Exceptions. The following applications do not require a discretionary demolition permit:
  - 1. Demolition of up to twenty-five percent or less of the exterior walls of the structure, when all of the following conditions exist:
    - a. The demolition is required for an addition/alteration to the structure that is permitted by code;
    - b. The addition is permitted at the same time as the required demolition;
    - c. Neither the demolished portion of the structure nor the addition impacts the original front façade of the structure; and
    - d. The site plan and all required permits for the remodel have been approved by the applicable city reviewing authority.
  - 2. Demolition of any interior walls of any structure for the purpose of remodel, repair or maintenance, subject to any required permits;
  - 3. Removal and replacement, subject to any required permits, of exterior windows, doors, roof covering, foundation, exterior siding, architectural details and other structural or decorative elements deemed by the director of planning and community preservation to be minor alterations, where the materials used for maintenance and replacement do not alter the appearance, size or character of the existing structure;
  - 4. Any proposed demolition of a structure constructed less than seventy-five years from the date of the applications, which is subject to the provisions of Section 15.04.115;
  - 5. Any proposed demolition of a historic landmark which is subject to the provisions of Section 17.82.090;
  - 6. The director may rely on definitions and permitting processes in the municipal code to consider circumstances which do not meet the exact criteria defined in exceptions 1—5 above, to determine that a specific case meets the intent of one or more of the exceptions.
- G. An applicant who does not qualify for a ~~discretionary~~ **discretionary** demolition permit under subsection E or H of this section may seek a certificate of economic hardship pursuant to Section 17.82.100.

- H. Burden of Proof on Applicant. Before any demolition permit is granted, the application shall show, to the reasonable satisfaction of the body considering such matter, the existence of the following facts:
1. That the structure proposed for demolition:
    - a. Has no local, state or national historic significance as determined by the historic resources survey pursuant to subsection D.1. above; or
    - b. Is deemed to be eligible for local listing or designation under the California Historic Resource Codes 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted that will allow the project to proceed, with identified mitigation measures, including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing the original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document;
  2. That the proposed demolition activities will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;
  3. That there is a demonstrated need for the demolition activity requested;
  4. That the result of the demolition activity is consistent with the objectives of the general plan; and
  5. That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested.
- I. Appeal.
1. Any person may appeal a decision of the planning director to the planning commission pursuant to Section 17.60.115.
  2. Any person may appeal a decision of the planning commission to the city council pursuant to Sections 17.60.120 and 17.60.130.

(Ord. No. 1363, § 2, 3-24-15)

### **17.60.060 - Applications for variance or conditional use permits—Withdrawal thereof.**



Applications for a zone variance, conditional use permit, shall be filed by the owner of the property affected thereby, or his agent, with the director, on forms furnished by the director, which shall set forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the variance or conditional use permit, in accordance with the provisions of this part.

The applicant shall furnish to the director an accurate list of the names and addresses of all property owners to whom a notice must be given as hereinafter provided. The director may provide the radius map and mailing list for a fee to be set by the city council.



(Ord. 1084 § 1 (part), 1992: prior code § 9820)

### **17.60.070 - Filing fees—Withdrawal.**



Each such original application, modification application or appeal, shall be accompanied by a filing and processing fee in an amount as set by the council. Any applicant may withdraw his/her application by filing a written request to do so at any time prior to final action thereon; provided, that there shall be no refund of fees.

(Ord. 1084 § 1 (part), 1992: prior code § 9821)

### **17.60.080 - Hearings.**



Every application for a zone variance or conditional use permit shall be set for a public hearing before the commission by the director. Hearings may be continued from time to time by the commission or council, as it may deem necessary.

(Ord. 1084 § 1 (part), 1992: prior code § 9822)

### **17.60.090 - Conditions.**



The granting of any zone variance or conditional use permit may be conditioned. The purpose of any such conditions shall be to insure that the activity thus permitted will be conducted in a manner consistent with the public peace, safety, general welfare, and the provisions of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9823)

### **17.60.100 - Public notices.**



Notice of the time and place of public hearings before the planning commission and city council on zone variance and conditional use permit applications shall be made as follows:

- A. Mailed Public Notice. Public notices shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred feet from the external boundaries of the property to which the application relates, addressed to the owners as shown on the latest equalized assessment roll of the county, or from other records which contain more recent and accurate addresses.

B.

Posting of Property. A notice of public hearing sign, meeting the criteria set forth below, shall be posted a minimum of fourteen days prior to the scheduled public hearing, and the sign shall remain in place until the expiration of the appeal period following a decision by the planning commission. If an appeal to the city council is filed, a new public hearing sign complying with this section shall be posted. Failure to post the sign on the property by the applicant shall result in the automatic continuance of the project to the next available planning commission or city council meeting. The sign shall be posted in the following manner:

1. The sign shall be located in a conspicuous place on the property abutting a public or private street or alley not more than ten feet inside the property line.
  2. The sign shall be twelve feet square in sign area, generally measuring three feet by four feet.
  3. The sign shall not exceed six feet in height from the ground level; provided that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be permitted with the approval of the director of development services to ensure visibility of the sign from the public right-of-way.
  4. The sign shall not be illuminated.
  5. The size, style, number, and color of the sign's lettering shall be the specifications approved by the director of development services, and the director may approve deviations to these requirements in order to meet the intent of these noticing provisions.
  6. Support elements for the sign shall be made of four-inch by four-inch wood posts, or similar; provided however, that a sign may be posted in a window, on a fence, or on a building wall when there is an existing structure on site that is set back less than ten feet from the street.
  7. A building permit shall not be required for the posting of a sign installed in compliance with this subsection.
  8. The applicant shall submit proof of posting to the director of development services or his or her designee in the form of a signed affidavit and a photograph of the sign.
  9. Any costs associated with complying with this subsection shall be borne by the applicant.
- C. Contents of Notice. Such notices shall describe the subject property, identify the project case number, and contain a brief description of the proposed project and the date, time and place of the public hearing.

(Ord. 1177 § 4 (part), 2000; Ord. 1084 § 1 (part), 1992; prior code § 9824)

(Ord. No. 1305, § 1, 2-9-10)

### 17.60.110 - Commission action.

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Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission, by resolution, shall approve, conditionally approve or deny the same. Said resolution shall contain a brief statement of facts upon which its action is based. Within seven days following the adoption of such a resolution, the commission's secretary shall forward a copy thereof to the city clerk, to the applicant and to any other person requesting the same.

(Ord. 1084 § 1 (part), 1992: prior code § 9825)

### **17.60.115 - Appeals of director determination.**



Upon receiving a notice of an appeal of the determination of the director of development services by any aggrieved party, the following provisions shall apply:

- A. **Appeal Fee.** An appeal fee shall be required as set forth in the fee schedule adopted by city council resolution.
- B. **Consideration of the Appeal.** The director of development services shall schedule the matter to be considered by the planning commission at the first available planning commission meeting. Public notice of the consideration of the appeal by the planning commission shall be distributed pursuant to the public notice requirements of the action being appealed.
- C. **Determination of the Appeal.** Upon receipt of the appeal, the planning commission shall consider all evidences and information upon which the director made the determination, including all relevant public testimonies, and adopt one of the following actions:
  - 1. Affirm the determination of the director of development services and deny the appeal;
  - 2. Uphold the appeal, thereby reversing the determination of the director of development services; or
  - 3. Modify the determination of the director of development services as deemed appropriate.
- D. Appeals of decisions of the planning commission shall be made pursuant to the provisions of Section 17.60.130 and Chapter 17.66 of this title.

(Ord. 1234 § 6, 2005; Ord. 1177 § 4 (part), 2000: Ord. 1115 § 16, 1995)

### **17.60.120 - Appeal.**



- A. The resolution of the planning commission granting or denying a zone variance or conditional use permit shall become final on the tenth business day following its adoption unless:
 

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1.

Within such time an appeal, in writing, is filed with the city council, by the applicant or any other interested person in the manner set forth in Chapter 17.66 of this title;

2. Within such time a call for review is made in the manner set forth in Chapter 17.66 of this title.
- B. The decision of the commission shall be final and conclusive in the absence of a timely filed appeal. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.
- C. Appeals of the planning commission decision shall require the filing of a fee as set forth in Chapter 17.66 of this title.

(Ord. 1234 § 7, 2005; Ord. 1139 § 2(B), 1997; Ord. 1084 § 1 (part), 1992; Ord. 1004 § 1, 1983; Ord. 998 § 1, 1983; prior code § 9826)

### **17.60.130 - City council action.**



Upon receiving a notice of appeal, or call for review of a decision of the planning commission, the city council shall either:

- A. Affirm the action of the planning commission;
- B. Refer the matter back to the planning commission with or without instructions for further proceedings;
- C. Alter the action of the planning commission in the manner it shall determine is necessary to comply with this code and other applicable law; or
- D. Notice of the city council's decision shall be made by the city clerk within the time set forth in Chapter 17.66 of this title.

(Ord. 1234 § 8, 2005; Ord. 1084 § 1 (part), 1992; Ord. 1004 § 2, 1983; prior code § 9827)

### **17.60.150 - Failure to give notice.**



Inadvertent failure to give notice in the manner prescribed herein shall have no effect upon any proceeding before the commission or the council.

(Ord. 1139 § 2(C), 1997; Ord. 1084 § 1 (part), 1992; Ord. 917 § 3 (part), 1974; prior code § 9829)

### **17.60.160 - Revocation of variances and conditional use permits.**



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A.

Upon recommendation by the director, the body which initially granted a zone variance or conditional use permit shall conduct a noticed public hearing to determine whether such variance or conditional use permit should be revoked. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

1. That the variance or permit was obtained by fraud;
  2. That the use for which such approval was granted has ceased to exist by reason of a voluntary abandonment;
  3. That the permit or variance granted is being or has been exercised contrary to any conditions of approval imposed upon such permit or variance, or in violation of any law; or
  4. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a public nuisance.
- B. If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Section 17.60.120 of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9830)

### **17.60.170 - Expiration.**



Any zone variance or conditional use permit shall be null and void if the use granted thereby is not commenced within the time specified in the resolution approving such zone variance or conditional use permit, or, if no time is so specified, if commencement does not occur within one year from the date said zone variance or permit is granted. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this section, once, for a period of not to exceed one year. Provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation.

(Ord. 1084 § 1 (part), 1992: prior code § 9831)

### **17.60.175 - Penalties.**



In the event that construction which is inconsistent with a conditional use permit or variance is performed, the first three applications for an amendment to the previously approved conditional use permit or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of twice the rate of the current city rate for obtaining a conditional use permit or variance. Subsequent applications for making application for a conditional use permit or variance for all amendment to the

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previously approved conditional use permit or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of five times the rate of the current city rate for obtaining a conditional use permit or variance.

- A. Procedures Prior to Imposition of Penalty Fees. No penalty shall be imposed pursuant to this subsection until city staff determines that unauthorized construction has occurred and the applicant or property owner or a representative of the applicant or property owner has been given an opportunity to discuss that determination with the director of development services.
- B. Refund of Penalty and Fees. The penalty and application fees shall be refunded if the planning commission finds that the construction was, in fact, consistent with the originally approved conditional use permit or variance.
- C. Appeal to the City Council. If the planning commission finds that the construction was inconsistent with the conditional use permit or variance, the applicant may appeal that determination to the city council in the manner and within the time set forth in Chapter 17.66 of this title. The penalty, application and appeals fees shall be refunded if the city council determines that the construction was, in fact, consistent with the originally approved conditional use permit or variance.
- D. Judicial Review. If the city council determines that the construction was inconsistent with the conditional use permit or variance, that determination shall constitute a final administrative action of the city and the applicant may seek judicial review of that decision in the manner provided by law.
- E. Removal of Unauthorized Construction. Payment of the penalty shall not preclude the city from disapproving an amendment and requiring the applicant to bring the construction into conformity with the previously approved conditional use permit or variance.
- F. Violation—Misdemeanor. The penalties for violating any of the provisions of this chapter, and/or any condition of any entitlement or permit granted under this chapter, are as set forth in Section 1.12.010 of this code.

(Ord. 1234 § 10, 2005; Ord. 1130 § 1, 1996)

### 17.60.180 - Modification.



Any condition imposed upon the granting of a zone variance or conditional use permit, including a zoning approval granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be modified or eliminated, or new conditions may be added; provided, that the body which granted the zone variance or conditional use permit which is the subject of the modification proceeding shall first conduct a public hearing thereon, noticed in the same manner as was required for its initial granting. No such modification shall be granted unless the

granting body finds that such modification is necessary to protect the public peace, health and safety, or that such action is necessary to permit reasonable operation under the zone variance or conditional use permit, as granted. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal in the time and manner set forth in Chapter 17.66 of this title.

(Ord. 1234 § 11, 2005: Ord. 1084 § 1 (part), 1992: prior code § 9832)

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# Sierra Madre, CA

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## Sierra Madre, California - Code of Ordinances

SIERRA MADRE, CALIFORNIA - MUNICIPAL CODE **modified**


SUPPLEMENT HISTORY TABLE **modified**

 Title 1 - GENERAL PROVISIONS

 Title 2 - ADMINISTRATION AND PERSONNEL

 Title 3 - REVENUE AND FINANCE

 Title 5 - BUSINESS LICENSES AND REGULATIONS

 Title 6 - ANIMALS

 Title 7 - STORMWATER POLLUTANT ELIMINATION


 Title 8 - HEALTH AND SAFETY

 Title 9 - PUBLIC PEACE, MORALS AND WELFARE


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- Chapter 17.10 - MEDICAL MARIJUANA DISPENSARY
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- Chapter 17.20 - R-1 ONE-FAMILY RESIDENTIAL ZONE **modified**
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- Chapter 17.24 - R-2 TWO-FAMILY RESIDENTIAL ZONE
- Chapter 17.28 - R-3 MULTIPLE FAMILY RESIDENTIAL ZONE
- Chapter 17.29 - R-H MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY
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- Chapter 17.34 - AFFORDABLE HOUSING
- Chapter 17.35 - VOTER'S EMPOWERMENT
- Chapter 17.36 - C COMMERCIAL ZONE **modified**
- Chapter 17.37 - C COMMERCIAL ZONE—DOWNTOWN OVERLAY ZONE **modified**
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- Chapter 17.40 - M MANUFACTURING ZONE
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■ Chapter 17.48 - DEVELOPMENT STANDARDS

- 17.48.010 - Height of buildings on through lots.
- 17.48.020 - Height of penthouses and roof structures.
- 17.48.030 - Yard regulations.
- 17.48.040 - Modification of side yard requirements—Combined lots.
- 17.48.050 - Yard requirement—Existence of more than one main building.
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- 17.48.070 - Measurement of front yards.

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17.48.080 - Modified front yard on cul-de-sac.

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■ Chapter 17.52 - H HILLSIDE MANAGEMENT ZONE **modified**

■ Chapter 17.56 - NONCONFORMING USES

■ Chapter 17.60 - VARIANCES AND CONDITIONAL USE PERMITS

■ Chapter 17.61 - REASONABLE ACCOMMODATION

■ Chapter 17.64 - AMENDMENTS

■ Chapter 17.66 - APPEALS AND CALLS FOR REVIEW

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CODE COMPARATIVE TABLE AND DISPOSITION LIST modified

## Chapter 17.48 - DEVELOPMENT STANDARDS

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- 17.48.040 - Modification of side yard requirements—Combined lots.
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17.48.240 - Temporary construction buildings.

17.48.250 - Storage of trailers.

## Chapter 17.48 - DEVELOPMENT STANDARDS



### Sections:

### 17.48.010 - Height of buildings on through lots.



On through lots one hundred fifty feet or less in depth, the height of a building on such lot may be measured from the sidewalk level of the street on which the building fronts. On through lots of more than one hundred fifty feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty feet from that street.

(Prior code § 9750)

### 17.48.020 - Height of penthouses and roof structures.



Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, smokestacks,

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and similar structures may be erected above the height limits prescribed by this chapter, but no penthouse or roof structure or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space. The height of antennae is governed by [Chapter 17.93](#) of this code.

(Ord. 1247 § 5, 2006; prior code § 9751)

### **17.48.030 - Yard regulations.**



Except as provided in this chapter every required front, side and rear yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building or buildings for the purpose of complying with the provisions of this chapter as it pertains to any given lot shall be considered as providing a yard or open space on any adjoining property.

(Prior code § 9752)

### **17.48.040 - Modification of side yard requirements—Combined lots.**



When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building site, and the side yard as required by this chapter shall then not apply to such common boundary line.

(Prior code § 9753)

### **17.48.050 - Yard requirement—Existence of more than one main building.**



Where two or more buildings are, by definition of this chapter, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line and the rear yard requirements shall apply only to the building closest to the rear lot line, and there shall be a distance between such main buildings equal to twice the required width of the side yard on such lot.

(Prior code § 9754)

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### **17.48.060 - Yard requirements—Property abutting half streets.**



A building or structure shall not be erected or maintained on a lot which abuts a highway having only a portion of its required width dedicated, or where no part of such dedication would normally revert to the lot if the highway were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this chapter, if any. This section applies to all zones and whether or not yards are required.

This section does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than forty feet.

(Prior code § 9755)

### **17.48.070 - Measurement of front yards.**



Front yard requirements shall be measured from the front property line or the indicated edge of a public or private street for which a precise plan exists or from the edge of any setback established by a setback ordinance, whichever is the greatest distance from the centerline of the street.

(Prior code § 9756)

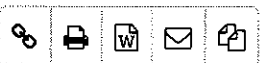
### **17.48.080 - Modified front yard on cul-de-sac.**



The depth of the required front yard on lots facing directly upon the arc of a cul-de-sac shall be measured on an arc parallel to the front property lines comprising the arc of the cul-de-sac and being a distance therefrom one-half the required front yard depth as prescribed for each zone. This modified front yard shall extend around the circumference of the cul-de-sac only to the points at which the rear lines of the required front yard, on the portions of the street not located on the cul-de-sac, extended, intersects the arc representing the rear line of the modified required front yard.

(Prior code § 9757)

### **17.48.090 - Width on a cul-de-sac.**



Notwithstanding the modified required front yard around a cul-de-sac, the depth of the standard required front yard shall continue to be used in determining the required width of a lot on a cul-de-sac.

(Prior code § 9758)

### **17.48.095 - Determination of setbacks.**



Where there is not a clear ability to determine the orientation of the required yards, the planning commission may determine the front, sides and rear yards of property as necessary. Based upon the determination by the planning commission of the orientation of the required yards of a property, the provisions of this title shall apply.

(Ord. 1177 § 3 (part), 2000)

### **17.48.100 - Vision clearance.**



All corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area; one angle of which shall be formed by the front and street side edge of roadway, and the sides of such triangle forming the corner angle shall be fifteen feet in length measured from the aforementioned angle. The side of the triangle shall be a straight line connecting the last two mentioned points which are distant fifteen feet from the intersection to the front and side lines, and within the area comprising the triangle, no tree, wall, fence, hedge or shrub or other physical obstruction higher than forty-two inches above the established grade shall be permitted as follows:

- A. Corner lots, which as of May 30, 1990, comply with such rule, as set forth above, no violations of such rule shall be permitted.
- B. Corner lots, which as of May 30, 1990, are not in compliance, shall be subject to a noticed public hearing to determine whether (based upon a study, evaluation, and a finding by the chief of police) a traffic and safety problem exists with regard thereto.
- C. If the city council determines pursuant to subsection B of this section, that such corner lot constitutes a hazard with regard to such corner sight obstructions with regard to the configuration, physical conditions, hazard, pedestrians, obstructed vision, speed or other reasons, that the city council may order the removal in whole or in part of such obstructions, fences, walls, berms, or vegetation down to street level in order to remove the hazard.
- D. Any violation of this section or order of the city council shall be deemed a misdemeanor.

(Ord. 1067 § 1, 1990; prior code § 9759)

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### **17.48.110 - Dwellings and apartments over stores.**



Front yard and side yard requirements shall not be applicable to dwellings and apartments erected above stores.

(Prior code § 9760)

### **17.48.120 - Permissible projection of structures into yards.**



- A. Cornices, Eaves, Etc. Cornices, eaves, belt courses, sills and other similar architectural features may extend or project into a required side yard; provided, that in no case may such encroachment be located closer than three feet to any property line, nor nearer to finish ground level than seven feet.
- B. Fireplaces. A fireplace structure, not wider than eight feet measured parallel to the side lot line upon which it faces and which is incorporated as a part of the side of the main building, may project into the required side yard a distance of eighteen inches, provided such projection does not reduce the remaining side yard to less than three feet.
- C. Fire Escapes. A fire escape may extend or project into any front or side yard not more than four feet.
- D. Stairways and Balconies. An open, unenclosed stairway or balcony not covered by a roof or canopy may extend or project into a required front yard not more than thirty inches.
- E. Uncovered Porches and Platforms. An uncovered porch, platform or landing place which does not extend more than six inches above finish grade or above the level of the first floor of the building, whichever is lesser, may extend or project into any required front or side yard not more than six feet, provided such projection in a side yard shall not reduce to less than three feet the unobstructed pedestrian way or sidewalk on ground level.
- F. Guard Railings. Guard railings for safety projection around depressed ramps, open work fences, hedges, or landscape architectural features not more than forty-two inches in height may be located in any front or side yard.
- G. The director of development services may grant minor variances allowing wing walls and porte cocheres to project into a required side yard to within three feet of the property line.
- H. A covered porch (with or without supports and nonhabitable) may encroach six feet into the front yard setback, but may be no closer than ten feet to the property line.
- I. A single-story garage measuring less than six hundred square feet, no more than fifteen feet in height from slab to the top of the ridge, considered as a group M occupancy, may be constructed within three feet of the side lot line and within three feet of the rear lot line.

(Ord. 1115 § 15, 1995; Ord. 1084 § 1 (part), 1992; Ord. 1076 § 1, 1992; prior code § 9761)



**17.48.130 - Walls and fences.**

The following standards shall apply to all walls and fences in the R-1, R-2 and R-3 zones:

- A. Front Yards. Walls and fences within the required front yard setback, as set forth in Sections 17.20.050, 17.24.050 and 17.28.100, shall not exceed a maximum height of forty-two inches.
- B. Interior Side and Rear Yards. Walls and fences not in excess of six feet in height are permitted on, or adjacent to, the interior side or rear property lines. The walls and fences shall be reduced to forty-two inches within the required front yard pursuant to the provisions of Section 17.48.130(A).
- C. Reverse Corner Lots. A wall or fence not in excess of six feet in height is permitted on, or adjacent to, the secondary street frontage property line except as follows:
  1. Primary Front Yard. The wall or fence shall be reduced to forty-two inches within the primary front yard, as required in Section 17.48.130(A).
  2. Adjacent to a Driveway. Where a driveway is located adjacent to the rear property line of the "reverse corner" property, the wall or fence shall be subject to the provisions of Section 17.48.100. For the purposes of this subsection, a driveway shall be determined to be "adjacent" to the rear property line of the "reverse corner" property if the edge of the portion of the adjoining driveway is within five feet of the property line of the "reverse corner" lot.
- D. Through Lots. Walls and fences a maximum six foot in height may be permitted within twenty-five feet of the secondary frontage property line, with the approval of a conditional use permit pursuant to the provisions of Chapter 17.60.
- E. Retaining Walls. The following provisions shall apply:
  1. Retaining a Cut. Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed.
  2. Retaining a Fill. Where a retaining wall contains a fill, the height of a protective open work fence or wall of not more than forty-two inches in height may be erected at the top of the retaining wall. For the purposes of this chapter, an open work fence means a fence in which the component solid portions are evenly distributed and constitute not more than sixty percent of the total surface area of the face of the fence. Examples of an open work fence include, but are not limited to, tubular steel, wrought iron and wooden pickets.

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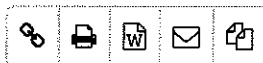
3.

Determination of a Cut or Fill. Where a retaining wall exists and no reasonable determination can be made that the subject retaining wall is retaining a cut or a fill, the maximum height of the wall or fence that may be placed on top of the subject existing retaining wall shall be determined by establishing the midpoint of the difference between the elevation of the two adjoining properties, and measuring upward. Regardless of the height of the existing retaining wall, an open work fence or wall of not greater than forty-two inches, as defined in subsection (E)(2) of this section, shall be permitted to be placed on top of the existing retaining wall.

- F. Minor Conditional Use Permit. The following fencing materials, features and designs shall require the approval of the director of development services of a minor conditional use permit, pursuant to the provisions of Section 17.60.055.
  - 1. Decorative Features. Decorative features and items, such as entrance arbors, decorative yard lights and similar items greater than forty-two inches in height, but less than ten feet in height, within the required front yard setback;
  - 2. Barbed Wire. Fencing which includes barbed wire, razor wire or similar material.
- G. Landscaping. Landscaping, vegetation, trees and similar organically grown material shall not be subject to the height provisions contained in this chapter, except as provided in Section 17.48.100.
- H. Prohibited Fencing. Spiked fencing shall be prohibited in all zones. Points, spikes and sharp edges shall mean any end of a vertical bar that is capable of causing, or are likely to cause, injury to persons, pets or undomesticated animals. Barbed wire fencing shall be prohibited in all residential zoned property.
  - 1. Exceptions. For the purposes of this chapter, a wooden picket fence shall not be considered a spiked fence.

(Ord. 1197 §§ 1 and 2, 2002; Ord. 1177 § 3 (part), 2000; prior code § 9762)

### **17.48.140 - Increase of side yard where rear of dwellings abut side yard.**



Where two-family dwellings or multiple family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, and such dwellings have openings onto such side yards used as a means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one foot for each dwelling unit having an entrance or exit opening into or served by such yard, provided such increase need not exceed five feet. Open,

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unenclosed porches not extending above the level of the first floor may project into the required width of such side yard, provided such porches shall not reduce to less than three feet the unobstructed pedestrian way or sidewalk at the ground level.

(Prior code § 9763)

### **17.48.150 - Increase of side yard where multiple or row dwellings front upon a side yard.**



The minimum width of the side yard upon which dwellings front shall be not less than one and one-half times the width of the side yard to the rear of such dwellings. Open, unenclosed porches not extending above the level of the first floor may project into the side yard upon which such dwellings front a distance of not more than twenty percent of the width of such side yard.

(Prior code § 9764)

### **17.48.160 - Main building on lot or building site.**



Any building which is the only building on a lot or building site is a main building unless authorized by variance.

(Prior code § 9765)

### **17.48.170 - Through lots.**



Through lots one hundred eighty feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the control applying to the street upon which such one-half faces. If the division results in parcels having less than the minimum lot area required in this chapter, then no division may be made. If the whole of any through lot is improved as one building site, the main building shall conform to the zone classification of the frontage upon which such main building faces and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.

(Prior code § 9766)

### **17.48.180 - Lot area not to be reduced.**



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No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the regulations established by this chapter.

(Prior code § 9767)

### **17.48.190 - Greater lot area may be required.**



Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a precise plan, in the manner prescribed by law, designating the location and size of such greater required areas.

(Prior code § 9768)

### **17.48.200 - Substandard lots.**



When a lot has less than the minimum required area of width as set forth in any of the zones contained herein, or in a precise plan, and was of record on October 1, 1955, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or precise plan. The area per dwelling unit shall, however, remain as specified in each zone, except that such substandard lot shall qualify for one single-family residence, in any event.

(Prior code § 9769)

### **17.48.210 - Division of lots containing more than minimum required area.**



When any lot in any zone contains a greater area than the required minimum area of the zone in which it is contained, then each unit of the required minimum area contained in such lot may be utilized as a separate lot; provided, that any division does not create more than four lots and that each such lot thus created complies with the provisions of the subdivision title governing split lots.

(Prior code § 9770)

### **17.48.220 - Public utilities.**



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The provisions of this chapter shall not be construed to limit or interfere with the installation, maintenance and operation of public utility pipelines and electric or telephone transmission lines or railroads when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the state of California, within rights-of-way easements, franchises or ownerships of such public utilities.

(Ord. 1084 § 1 (part), 1992; prior code § 9771)

### **17.48.230 - Temporary real estate office.**



One temporary real estate office and one temporary real estate billboard containing not more than one hundred twenty square feet in area may be located on any new subdivision in any zone; provided, that such office and billboard, if in any R zone, shall be removed at the end of two years from the date of recording of the map of the subdivision upon which said office and billboard are located.

(Ord. 1084 § 1 (part), 1992; prior code § 9772)

### **17.48.240 - Temporary construction buildings.**



Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project; provided, that such temporary structure may not be maintained for a period exceeding one year.

(Ord. 1084 § 1 (part), 1992; prior code § 9773)

### **17.48.250 - Storage of trailers.**



The storage of one trailer on any lot of record is permissive provided such trailer is not used for living or sleeping purposes while on the premises, is not connected to any sewer or water facility and is not located in any required front or side yard.

(Ord. 1084 § 1 (part), 1992; prior code § 9774)

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