

TITLE 10

ZONING REGULATIONS

ZoningChapter 1

CHAPTER 1

ZONING¹

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¹

State law reference: As to inapplicability of State law, see Government Code Sections 65700 and 65803.

Ordinance reference: Ord. No. 2064, Section 2, provides that this chapter, including the Zone Map, insofar as it is substantially the same as ordinance provisions and maps previously adopted relating to the same subject matter shall be construed as restatements and continuation thereof and not as new enactments.

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- 10-1-664: Application for Administrative Use Permit
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- 10-1-667: Correction of Deficiencies
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- 10-1-669: Minimum Standards for Conversion
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- 10-1-1902: Continuing Hearings
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- 10-1-1904: Record of Hearings in Contested Matters
- 10-1-1905: City Attorney to Prepare Resolutions, Etc.
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- 10-1-1907.2: Appeal of Director's Decision
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- 10-1-1909: Submission of Development Review
- 10-1-1909.1: Community Meeting
- 10-1-1909.2: Decision Processes and Environmental Review
- 10-1-1910: Process for Director Approval
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- 10-1-1912: Requisites for Approval and Conditions of Approval
- 10-1-1913: Termination of Development Review Approval
- 10-1-1914: Applicability and Exemptions
- 10-1-1915: Appeal to City Planner if Building Permit Issuance is Denied and Project Exempt from Development Review

¹NOTE: This Division sunsets on July 31, 2013, at which time it is repealed and the following Division becomes effective on August 1, 2013.

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- 10-1-1909: Submission of Development Review
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- 10-1-1909.2: Director's Decision
- 10-1-1910: Appeal of Director's Decision
- 10-1-1911: Appeal of Planning Board's Action
- 10-1-1912: Requisites for Approval
- 10-1-1913: Termination of Development Review Approval
- 10-1-1914: Applicability and Exemptions
- 10-1-1915: Appeal to City Planner if Building Permit Issuance is Denied and Project Exempt from Development Review

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- 10-1-1917: Requirements for Variance Generally
- 10-1-1918: Variance from Sign Regulations
- 10-1-1919: Limitations on Granting Variance
- 10-1-1920: Application for Variance
- 10-1-1921: City Planner Sets Hearing and Gives Notice
- 10-1-1922: City Planner to Investigate and Report
- 10-1-1923: Environmental Impact Report
- 10-1-1924: Action of the Board
- 10-1-1925: Decision of Board
- 10-1-1926: Deleted
- 10-1-1927: Appeal to Council
- 10-1-1928: City Clerk Gives Notice of Hearing
- 10-1-1929: Action of Council After Hearing
- 10-1-1930: Existing Variances
- 10-1-1931: Reapplication
- 10-1-1932: Termination of Variance
- 10-1-1933: Revocation

Division 4. Conditional Use Permit

- 10-1-1934: Purpose
- 10-1-1935: Authority to Grant Conditional Use Permit
- 10-1-1936: Requirements for Conditional Use Permit
- 10-1-1937: Conditions
- 10-1-1938: Deleted
- 10-1-1939-1940: Reserved
- 10-1-1941: Application for Conditional Use Permit

- 10-1-1942: City Planner Sets a Hearing and Gives Notice
- 10-1-1943: City Planner Investigates and Reports
- 10-1-1944: Environmental Impact Report
- 10-1-1945: Hearing on Planned Residential Development
- 10-1-1946: Hearings on Other Conditional Uses
- 10-1-1947: City Clerk Gives Notice of Hearing
- 10-1-1948: Action of Council After Hearing
- 10-1-1949: Minor Revisions to Site Plan After Hearing
- 10-1-1950: Reapplication
- 10-1-1951: Termination of Conditional Use Permit
- 10-1-1952: Revocation

Division 4.1. Administrative Use Permits

- 10-1-1954: Intent and Purpose
- 10-1-1955: Authority to Grant Administrative Use Permit
- 10-1-1956: Requirements for Administrative Use Permit
- 10-1-1957: Conditions
- 10-1-1958: Application for Administrative Use Permit
- 10-1-1959: Determination on Administrative Use Permit; Notice and Hearing
- 10-1-1960: Termination/Revocation of Administrative Use Permit

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- 10-1-1961: Initiation of Amendment
- 10-1-1962: Withholding of Building Permits Pending Zone Change
- 10-1-1963: Public Hearings Required
- 10-1-1964: Notice of Hearing
- 10-1-1965: City Planner Investigates and Reports to Board
- 10-1-1966: Environmental Impact Report
- 10-1-1967: Action by Board
- 10-1-1968: Variance, Conditional Use Permit, or More Restrictive Zoning in Lieu of Proposed Amendment
- 10-1-1969: City Clerk Sets Hearing by Council
- 10-1-1970-1971: Deleted
- 10-1-1972: Action by Council
- 10-1-1973: Reapplication

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Division 7. Text Amendment

- 10-1-1985: Generally
- 10-1-1986: Environmental Impact Report
- 10-1-1987: Land Use Amendments
- 10-1-1988: Property Development Standards
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- 10-1-1990: Refund of Filing Fee
- 10-1-1991: Requirements for Adding a Use
- 10-1-1992: Board Study and Report
- 10-1-1993: City Planner to Investigate and Advise
- 10-1-1994: Public Hearings; Notice

Division 8. Interim Zoning

- 10-1-1995: Interim Zoning
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- 10-1-1998: Purpose
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- 10-1-19103: Proposed Terms of Agreement
- 10-1-19104: Review of Application
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- 10-1-19107: Rules Governing Conduct of Hearing
- 10-1-19108: Irregularity in Proceedings
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- 10-1-19113: Recordation of Development Agreement, Amendment, or Cancellation
- 10-1-19114: Periodic Review
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- 10-1-19119: Purpose
- 10-1-19120: Definitions
- 10-1-19121: Applicability of Regulations
- 10-1-19122: Permitted Uses
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- 10-1-19124: Design Review Criteria
- 10-1-19125: Project Report
- 10-1-19126: Development Review
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- 10-1-19128: Development Agreement

- 10-1-19129: Periodic Council Review and Reversion
- 10-1-19130: Enforcement
- 10-1-19131: Compatibility with Design Plans
- 10-1-19132: Additional Entitlements
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- 10-1-19201: Major Fence Exception Permit
- 10-1-19202: Enforcement Abeyance Provisions in Lieu of Fence Permits

Article 20. Residential Growth Management

- 10-1-2001: Purpose and Intent
- 10-1-2002: Mandatory Voter Approval for Residential Density Increases
- 10-1-2003: Community Facilities Element of the General Plan
- 10-1-2004: Comprehensive Development Standards for Multi-Family Residential Projects
- 10-1-2005: Interim Criteria for Multi-Family Residential Projects
- 10-1-2006: Community Impacts Assessment and Standards for Approval
- 10-1-2007: Availability of Public Facilities and Services
- 10-1-2008: Exemptions
- 10-1-2009: Amendments
- 10-1-2010: Severability
- 10-1-2011: Effective Date
- 10-1-2012: Consistency with Adopted Plans and Policies
- 10-1-2013: Extension of the Residential Growth Management Provisions (Measure One)

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- 10-1-2101: Purpose
- 10-1-2102: Definitions

Division 2. Media District Industrial (MDM-1) Zone

- 10-1-2103: Purpose
- 10-1-2104: Uses in the MDM-1 Zone
- 10-1-2105: Deleted
- 10-1-2106: Planned Development Uses
- 10-1-2107: Property Development Standards
- 10-1-2108: Development Review

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- 10-1-2109: Purpose
- 10-1-2110: Uses in the MDC-2 Zone
- 10-1-2111-2111.5: Deleted
- 10-1-2112: Property Development Standards
- 10-1-2113: Development Review

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- 10-1-2115: Uses in the MDC-3 Zone
- 10-1-2116: Property Development Standards
- 10-1-2116.5: Development Review

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- 10-1-2121-2121.5: Deleted
- 10-1-2122: Property Development Standards
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- 10-1-2126: Compliance
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- 10-1-2131: Building Appearance

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- 10-1-2133: Transportation Management Organization (TMO)
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Division 3. Community Facilities- Non-Transportation Related Fee

- 10-1-2224: Short Title
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- 10-1-2428: Purpose
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Division 3. Burbank Center Commercial Limited Business (BCC-2) Zone

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Division 4. Burbank Center Commercial General Business (BCC-3) Zone

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- 10-1-2516-2518: Deleted
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Division 8. Transportation Demand Management

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- 10-1-2537: Existing Development
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Article 26. Magnolia Park Commercial Zones

Division 1. Magnolia Park Commercial Retail-Professional (MPC-1) Zone
and Magnolia Park Limited Business (MPC-2) Zone

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Division 2. Magnolia Park General Business (MPC-3) Zone

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 - 10-1-2707.1: Description
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 - 10-1-2707.3: Parking Locations, Off-Street Loading, and Garbage/Recycling Storage
 - 10-1-2707.4: Building Mass and Height
 - 10-1-2707.5: Facade Standards
 - 10-1-2707.6: Facade Projections
 - 10-1-2707.7: Yards and Open Space
 - 10-1-2707.8: Land Uses
 - 10-1-2707.9: Off Street Parking Requirements
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 - 10-1-2708.2: Building Placement
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 - 10-1-2708.4: Building Mass and Height
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 - 10-1-2709.4: Building Mass and Height

- 10-1-2709.5: Facade Standards
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Division 4. General Design Standards

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 - 10-1-2710.1: Building Facades
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 - 10-1-2710.3: Building Materials and Finish Colors
 - 10-1-2710.4: Windows and Shade Structures
 - 10-1-2710.5: Roofs
 - 10-1-2710.6: Exterior Stairs
- 10-1-2711: Sign Regulations
- 10-1-2712: Utility and Mechanical Equipment
- 10-1-2713: Landscape Standards
 - 10-1-2713.1: Planting and Irrigation Standards
 - 10-1-2713.2: Paving Material Standards
 - 10-1-2713.3: Walls and Fences
 - 10-1-2713.4: Site Furniture Standards
 - 10-1-2713.5: Lighting Standards
- 10-1-2714: Corner Cutoff
- 10-1-2715: Shared Parking

ARTICLE 1. GENERAL PLAN

10-1-101: GENERAL PLAN:

The development of the City shall be guided by a General Plan, adopted and administered in accordance with Title 7, Chapter 3, Articles 5 through 7 of the Government Code of the State except for the provisions of Section 65358. [Formerly numbered Section 31-1; Renumbered by Ord. No. 3058; Amended by Ord. No. 3083, eff. 10/16/87; 2662.]

10-1-102: AMENDMENT OF GENERAL PLAN:

Amendments to the General Plan shall be made as often as the City Council shall, in its sole discretion, deem it either necessary or advisable for the best interests of the City of Burbank. [Formerly numbered Section 31-2; Renumbered by Ord. No. 3058, eff. 2/21/87; 2662.]

10-1-103: ENVIRONMENTAL IMPACT REPORT:

No amendment to the General Plan, or any element thereof, which may have a significant effect on the environment shall be adopted until an environmental impact report is prepared, processed and considered in accordance with the provisions of Article 1, Title 9 Chapter 3 of this Code, unless such amendment is otherwise exempt from the provisions of that article. [Added by Ord. No. 2383; Formerly numbered Section 31-2.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-104: ZONE MAP AMENDMENTS CONSISTENT WITH GENERAL PLAN:

No ordinance changing the Zone Map designation of property shall be adopted unless the ordinance is consistent with the General Plan, all elements of the General Plan, and applicable specific plans, adopted by the Council. Nothing in this section shall preclude the conditioning of an ordinance for a Zone Map Amendment with the requirement that the applicant receives a General Plan Amendment to reflect consistency with the Zone Map Amendment. [Added by Ord. No. 3135; Formerly numbered Section 31-2.2; Renumbered by Ord. No. 3058.]

ARTICLE 2. ZONING ORDINANCES AND DEFINITIONS

10-1-201: ZONING ORDINANCE:

Articles 2 through 19 of this chapter and the accompanying maps shall be known as the Zoning Ordinance of the City, containing a set of regulations which control the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the appearance of certain uses and structures, the areas and dimensions of sites, the location, size and illumination of signs and displays, requirement for off-street parking and off-street loading facilities, and procedures for administering and amending such regulations and requirements. [Formerly numbered Section 31-3; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-202: PURPOSE OF ORDINANCE:

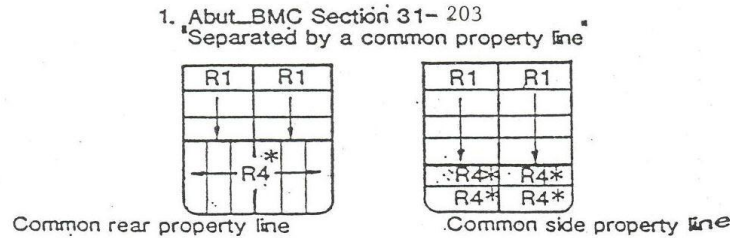
The purpose of the Zoning Ordinance is to promote the public health, safety, peace, comfort, convenience, prosperity and welfare of the City and its inhabitants; and to accomplish this purpose it is the intent of the ordinance to:

1. Provide a precise guide for the physical development of the City in such manner as to achieve progressively the arrangement of land uses depicted in the General Plan.
2. Promote the stability of existing land uses that conform with the General Plan and protect them from inharmonious influences and harmful intrusions.
3. Foster a harmonious, convenient, workable relationship among land uses.
4. Ensure that public and private lands ultimately will be used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole.
5. Prevent excessive population densities and overcrowding of the land with structures.
6. Promote a safe, effective traffic circulation system.
7. Foster the provision of adequate off-street parking and off-street loading facilities.
8. Facilitate the appropriate location of community facilities and institutions.
9. Prevent the creation and establishment of airport hazards, and eliminate, remove, alter and mitigate existing airport hazards.
10. Protect and enhance real property values.
11. Safeguard and improve the appearance of the City. [Formerly numbered Section 31-4; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-203: DEFINITIONS:

As used in this chapter:

ABUT: Means sharing a common property line which measures not less than eight (8) feet in any one direction and which is not located within any area designated as a public street easement or right-of-way, or alley easement or right-of-way.

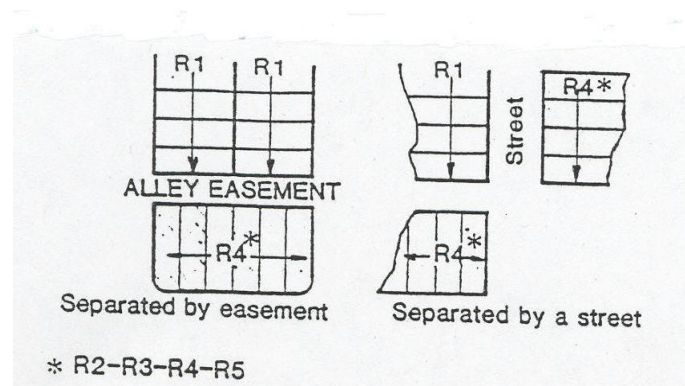


ACCESS and ACCESSWAY: Means a place or way by which pedestrians and vehicles have safe, adequate and usable ingress and egress to a property or use.

ACCESSORY BUILDING or STRUCTURE: Means a building or structure of which an accessory use is made.

ACCESSORY USE: Means a use subordinate or incidental to a main use of a lot or structure.

ADJACENT: Means next to or separated from only by a public street easement or right-of-way, or alley easement or right-of-way.



ADJOIN: Means the same as ABUT.

ADJUSTED GROSS FLOOR AREA: Means Gross Floor Area less the area occupied by the following permanent construction: exterior and interior walls, columns, stair shafts, elevator shafts, duct shafts, and in the case of office buildings, mechanical equipment rooms. Atriums, foyers, courtyards, and other open space which are not necessary to satisfy any requirement of this Code may be deducted from Gross Floor Area upon recordation of a covenant between the property owner and the City limiting the use or occupancy of such

space. Except as otherwise provided in this definition, no areas or spaces within a building or structure shall be deducted from Gross Floor Area.

ADULT ARCADE: Shall mean a business establishment or concern to which the public is permitted or invited and where coin, card or slug operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas." Such devices shall be referred to as "adult arcade devices."

ADULT BOOTH/INDIVIDUAL VIEWING AREA: Shall mean a partitioned, enclosed, or partially enclosed portion of an adult business used for any of the following purposes:

1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating "to specified sexual activities" or "specified anatomical areas;"

2. Where "adult arcade devices" are located.

ADULT BUSINESS: Shall mean:

1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult hotel/motel, adult modeling studio; or

2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes "adult oriented material" or "sexually oriented merchandise," or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" but not including those uses or activities which are preempted by State law.

ADULT CABARET: Shall mean a business establishment or concern (whether or not serving alcoholic beverages) that features "adult live entertainment."

ADULT HOTEL/MOTEL: Shall mean a "hotel" or "motel" (as defined in the Municipal Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT LIVE ENTERTAINMENT: Shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which: 1) the performer (including but not limited to topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, "specified anatomical areas;" and/or 2) the performance or physical human body activity depicts, describes, or related to "specified sexual activities" whether or not the "specified anatomical areas" are covered.

ADULT MODELING STUDIO: Shall mean a business establishment or concern that provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays "specified anatomical areas" to be observed, sketched, photographed, filmed, painted, sculpted, or otherwise depicted by persons paying for such consideration. "Adult modeling studio" does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

ADULT MOTION PICTURE THEATER: Shall mean a business establishment or concern, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser discs, digital video discs, holograms, virtual reality devices, or similar electronically-generated reproductions, that is characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT ORIENTED MATERIAL: Shall mean accessories, paraphernalia, books, magazines, laser discs, compact discs, digital video discs, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." "Adult oriented material" shall include "sexually oriented merchandise."

ADULT RETAIL STORE: Shall mean a business establishment or concern having as a regular and substantial portion of its stock in trade, "adult oriented material."

ADVERTISING STRUCTURE: Shall mean any structure erected for the purpose of placing an "advertising sign" upon such structure, but does not include any structure that is both six (6) square feet or less in area and six (6) feet or less in height. See also "sign, advertising."

AGRICULTURAL USE: Means any use which is related to cultivating the ground or raising and harvesting crops, and includes the feeding, breeding and management of livestock as a commercial or industrial enterprise.

AIRPORT USE: Means any use which is permitted in Section 10-1-902 of this Code.

ALLEY: Means a public right-of-way which serves as a secondary means of access to abutting property.

ALLEY, RESIDENTIAL: Means an alley which serves as access to only residential abutting property.

ALTERED: Means change in use or increase in size of a structure.

AMENDMENT: Means a change in the wording, context, or substance of this chapter, or a change in Zone Map or FAA Filing Requirement map.

AMUSEMENT MACHINE: Shall mean any machine, device, or instrument of like character whether manually or electronically operated, and whether or not operated for a gratuity, and which machine is operated as a game, other than a game of chance, and whether affording the opportunity for additional chances for free play or not.

ANIMAL HOSPITAL: Means the same as "Hospital, Animal."

ANIMAL PROCESSING: Means the processing of meat products and by-products directly from live animals or offal from live animals.

APARTMENT: Means the same as "Dwelling Unit."

APARTMENT HOUSE: Means the same as "Dwelling, Multiple Family."

APPROVED PLASTIC MATERIALS: Shall mean those plastic materials other than foam plastics regulated under Sections 1705(e) and 1713 of the Uniform Building Code (UBC) which have a self-ignition temperature of 650°F or greater and a smoke density rating not greater than 450 when tested in accordance with UBC Standard No. 42-1, in the way intended for use, or a smoke density rating no greater than 75 when tested in the thickness intended for use by UBC Standard No. 52-2.

ARCADE: Means an establishment maintaining four (4) or more amusement machines, including video games, on the premises for use by its customers or visitors.

AREA OF LOT: Means the total horizontal area included within the lot lines. For purposes of calculating density, "area of lot" shall exclude any land previously dedicated for a public street easement or right-of-way, or alley easement or right-of-way.

AUTOMOBILE DETAILING: Means a service dealing with the cleaning of automobiles/vehicles including any of the following: interior cleaning; exterior handwashing, waxing and polishing; or engine steam cleaning.

BEDROOM: Shall include any room that is designed or intended to be used or is capable of being used as a bedroom in whole or in part.

BILLBOARD: Means the same as "sign, advertising."

BILLIARD PARLOR: Means an establishment maintaining three (3) or more billiard tables on the premises for use by its customers or visitors.

BILLIARD TABLE: Means any game table or similar device designed, intended or used for the playing of billiards, pool, bumper pool, snooker, bagatelle or any similar game.

BLOCK: Means the property abutting one side of a street between intersecting or intercepting streets, or in the case of a dead-end street the property between the end thereof and the first intersecting or intercepting street.

BOARD: Means the City Planning Board of the City.

BOARDING HOUSE: Means a building containing a single dwelling unit, where lodging with or without meals is provided for compensation.

BUFFER AREA: Means an area not occupied by above grade structures or encroachments, driveways (except as allowed by Conditional Use Permit), refuse facilities, patios, porches, balconies, or recreational amenities.

BUILDING: Means any structure having a roof supported by columns or walls, which is designed or used as an enclosure or shelter.

BUILDING DIRECTOR: Means "Director".

BUILDING HEIGHT: Means the vertical distance measured from Grade to the ceiling of the highest room permitted for human occupancy, except in the R-1 and R-1-H zones where the vertical distance is measured as provided in Section 10-1-603.

BUILDING MOUNTED WTF: Means a wireless telecommunications facility whose support structure is mounted to a building or rooftop.

BUILDING OFFICIAL: Means "Director".

BUILDING SUPERINTENDENT: Means "Director".

CARNIVAL: Means an event held for the purposes of public entertainment or non-profit fund raising, which include either one or both of the following: the sale of alcoholic beverages for on-premises consumption; mechanical amusement rides.

CARPORT: Means an accessory structure designed or used to shelter motor vehicles permanently roofed and enclosed from the ground up on three (3) sides by an opaque wall to the extent of two-thirds (2/3) or more of its height.

CEMETERY USE: Means any use which is permitted by Section 10-1-907 of this chapter.

CHILD DAY CARE FACILITY: Means any facility as defined in Section 1596.750 of the California Health and Safety Code, and as amended from time to time, except for a family day care home, which is defined separately herein.

CHURCH: Means a permanent, fully enclosed building designed and used for religious worship.

CLINIC: Means a place used to provide medical services not involving overnight housing of patients.

CLUB: Means an association of persons organized for some common, nonprofit purpose, but does not include any group organized primarily to render a service which is customarily carried on as a business.

COCKTAIL LOUNGE/BAR: Means a saloon, bar, pub, tavern or similar place used primarily for drinking alcohol and designed for social interaction and/or entertainment.

CO-LOCATION: Means the location of two or more wireless telecommunications facilities on a single freestanding support structure or building. Co-location shall also include the location of wireless telecommunications facilities with other utility facilities and structures including, but not limited to, water tanks, transmission towers, and light poles.

COMMERCIAL USE: Means any use which is permitted by Sections 10-1-702, 10-1-709, 10-1-715 and 10-1-721 of this chapter.

COMMUNITY CARE FACILITY: Means a state-authorized, certified or licensed family care home, foster home, or group home providing care for the mentally or physically disabled and for children and adults who require special care or services. Such facilities include non-hospital type care for the mentally and physically handicapped, residential care facilities for the elderly or persons with chronic life threatening illness, alcohol or drug abuse recovery or treatment facilities, intermediate care facilities for the developmentally disabled and congregate living health facilities.

CONSTRUCTION: Shall mean any site preparation (including demolition, excavation and grading), assembly, erection, alteration or similar action, for or of public or private right-of-way, buildings, structures, utilities or similar property."

CONSTRUCTION EQUIPMENT: Shall mean any pile driver, power shovel, pneumatic hammer, power-driven drill, riveting machine, excavator, derrick power hoist, helicopter, forklift, cement mixer, diesel-powered truck, tractor, or any other earthmoving equipment. It shall also include hand hammers on steel or iron, or any other similar type of machine, tool, device or equipment which makes noises exceeding the decibel level allowed within the project's zone during the hours of construction.

CONTIGUOUS: Means the same as "Abut".

CONTRIBUTING RESOURCE: Any resource adding to the historic, architectural, or cultural significance of a Historic District.

CONVALESCENT HOME: Means a facility for the accommodation of convalescents or other persons who are not acutely ill and are not in need of hospital care, but who require professional nursing and related medical services including care during and after pregnancy; a convalescent home may be operated in conjunction with a hospital, or may be a separate facility in which such nursing care and medical services are prescribed by or are performed under the general direction of persons licensed to practice medicine or surgery in this State.

CORNER CUTOFF AREA: Means a portion of a corner lot or parcel of land which is maintained in a manner to provide adequate and safe visibility for vehicular and pedestrian traffic wherever streets and alleys converge.

CORPORATE FLAG: Shall mean a flag identifying a business or company.

CORRAL, NON-COMMERCIAL: Means any structure or fence that establishes the perimeter of a horsekeeping area on a residentially-zoned property.

CUSTOM MANUFACTURING: Means the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of only those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, metalworking, and woodworking.

CURB LEVEL: Means the level of the established curb at the center of the front of the building.

DAY CARE CENTER: Means any child day care facility as defined in Section 1596.750 of the California Health and Safety Code other than a family day care home.

DESIGNATED HISTORIC RESOURCE: Means any Resource that has special character or aesthetic value in the historic, cultural, architectural, archaeological, or social heritage of the City of Burbank; and that has been approved by the City Council as meeting at least one (1) of the City's designation criteria provided in Section 10-1-926.

DIRECTOR: Means the Director of the Community Development Department of the City, or the designee or designees of such person, or such other persons as may be designated by the City Manager.

DOWNTOWN RESTAURANTS: Means any restaurant/eating establishment/drinking establishment/fast-food/cafe located in the Central Business Downtown Parking Area defined in Sec. 10-1-1407.1.

DRIVEWAY: Means a paved access from a street or alley to a garage, carport or other parking area; a driveway may include the space required to turn or maneuver a motor vehicle into and out of such parking area.

DRY CLEANERS: Means an establishment maintaining fabric cleaning machines each of which has a dry-load capacity of 50 pounds or less, and which uses only nonpetroleum solvents.

DRY CLEANING PLANT: Means an establishment maintaining fabric cleaning machines, one (1) or more of which have a dry-load capacity in excess of 50 pounds, and which uses only non-petroleum solvents.

DWELLING, GUEST: Means separate living quarters having no kitchen facilities, in an accessory building, used by temporary guests of the occupants of the main building and not rented or otherwise used as a separate dwelling.

DWELLING, MULTIPLE FAMILY: Means a residence consisting of two (2) or more dwelling units designed for occupancy by two (2) or more families living independently of each other.

DWELLING, SINGLE FAMILY: Means a residence designed for use by a single family.

DWELLING UNIT: Means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one (1) family.

EFFICIENCY DWELLING UNIT: Means a dwelling unit not more than 500 square feet in area, conforming in all other ways to the Uniform Building Code as adopted in Burbank Municipal Code Title 9.

ELECTRONIC HOME DETENTION PROGRAM/FACILITY: Means a facility or business which administers electronic home detention services established under California Penal Code Section 1203.016, and as that section may be amended from time to time (also known as the Mojonnier-Ayala Electronic Home Detention Act).

ELIGIBLE HISTORIC RESOURCE: Means a Resource that has been identified by the Director as potentially meeting at least one (1) of the City's designation criteria but has not yet been approved as a Designated Historic Resource. The Resource may also be eligible for designation at the state or national level.

ELIGIBLE OFF-SITE HAZARDOUS WASTE FACILITY: Operation involving handling, treatment, storage or disposal of a hazardous waste in one (1) or more of the following situations:

1. The hazardous waste is transported via commercial railroad, a publicly-owned road or public waters, where adjacent land is not owned by, or leased to, the producer of the waste.

2. The hazardous waste is at a site which is not owned by, or leased to, the producer of the waste.

3. The hazardous waste is at a site which receives hazardous waste from more than one (1) producer.

Eligible Off-Site Hazardous Waste Facilities shall be located within the industrial area as designated on the map in Appendix 6-D of the Los Angeles County Plan, and are subject to the provisions of Section 9-3-118.

ELIGIBLE ON-SITE HAZARDOUS WASTE FACILITY: Operation involving handling, treatment, storage or disposal of hazardous waste on land owned by, or leased to, a waste producer, and which receives hazardous waste produced only by that producer. An operation that occurs after waste is transported by commercial railroad, or on public waters or on a public road shall be considered an on-site operation only if the producer of the waste owns at least 90 percent of the linear site and the area where the hazardous wastes are generated are on the same continuous property.

Eligible On-Site Hazardous Waste Facilities shall be located within the industrial area as designated on the map in Appendix 6-D of the Los Angeles County Plan, and are subject to the provisions of Section 9-3-118.

EMERGENCY SHELTER: Shall mean any establishment operated by an Emergency Shelter Provider that provides homeless people with immediate, short-term housing for no more than six (6) months in a 12 month period, where no person is denied occupancy because of inability to pay. Emergency Shelters may also provide shelter residents with additional supportive services such as food, counseling, laundry, and access to other social programs. Emergency Shelters may have individual rooms and common areas for residents of the facility, but may not be developed with individual dwelling units, with the exception of a manager's unit.

EMERGENCY SHELTER PROVIDER: Shall mean a government agency or non-profit organization that provides emergency or temporary shelter, and which may also provide meals, counseling, and access to other social programs.

EMERGENCY WORK: Shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, or work by private or public utilities when restoring utility services.

EMPLOYER-SPONSORED CHILD CARE CENTER: Means any facility as defined in Section 1596.771 of the California Health and Safety Code, and as amended from time to time.

FACE OF BUILDING: Shall mean the general outer surface of the main exterior wall of any building, not including cornices, bay windows and other ornamental trim.

FAMILY: Means a group of persons who maintain a single common household, but who otherwise are not a Residential Care Facility as defined herein.

FAMILY DAY CARE HOME: Means any facility as defined in Section 1596.78 of the California Health and Safety Code, and as amended from time to time.

FLOOR AREA: Means the total usable horizontal area of all the floors beneath the roof of a building.

FLOOR AREA RATIO: Means the ratio of the floor area of the buildings on a lot to the total area of the lot.

FOOD SPECIALTY STORE: Means an establishment engaged in the retail sale of specialty food items including, but not limited to: candy, cheese, coffee, confectionery items, dairy products, fruit, ice cream, meat products, nuts, or spices that has no seating on the premises. Merchandise must be prepackaged and involve no preparation or consumption onsite except for product sampling.

FORTUNE-TELLING: Shall mean and include telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature for any form of consideration.

FREESTANDING WTF: Means a wireless telecommunications facility with its support structure placed directly on the ground. Monopoles and self-supported or of lattice construction are examples of this type of structure. Building mounted antennas are excluded from this definition.

FUTURE STREET LINE: Means the same as "Street Line, Future."

GARAGE: Means an accessory structure or a portion of a main building permanently roofed and enclosed on all sides, and which is designed or used for the shelter of motor vehicles.

GENERAL PLAN: Means the General Plan for the development of the City, adopted by the Board and Council.

GOLF COURSE: Means an area used for playing golf; including pitch-and-putt courses, but not driving ranges or miniature golf courses.

GRADE: Means: (a) in R-1 and R-1-H Zones—the grade as defined in Section 10-1-603(C); (b) for structures in zones other than R-1 and R-1-H—the average elevation of the ground

surface, prior to any construction, leveling, grading, or development associated with the current project, as calculated by adding the elevations of the corners of a lot and dividing by that number of corners. Buildable lots may be divided into two (2) or more portions. The grade for each lot portion shall be calculated as the average of the elevations of all corners of such lot portion. In the event a lot is sloped such that one (1) side of a building is higher than the other side, no portion of the building shall exceed by five (5) feet of the maximum height allowed in the zone. Each portion of the building shall be measured from grade immediately below that portion of the building.

GROSS FLOOR AREA: Means total horizontal area of all floors beneath the roof of the building.

GUEST HOUSE: Means the same as "Dwelling, Guest."

GUEST ROOM: Means a room without kitchen facilities which is designed to be occupied by one (1) or more guests.

HEAVY EQUIPMENT RENTAL: Means a business that stores and rents out industrial equipment, such as construction equipment, to the public. The business may include an outdoor storage area.

HEAVY INDUSTRIAL MANUFACTURING: Means establishments engaged in the basic processing or manufacture of products, predominantly from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive or other commonly recognized hazardous materials.

HEDGE: Means vegetation that is grown or maintained in a manner that creates a physical barrier or otherwise functions in a manner consistent with a fence or wall.

HELIPORT: Means an area, either at ground level, or at elevation on a structure, that is designed for and used by helicopters; a heliport may include parking, fueling, maintenance, waiting rooms and other auxiliary facilities.

HELISTOP: Means an area, without auxiliary facilities either at ground level or at elevation on a structure that is designed for and used by helicopters.

HIGHWAY: Means a street which is shown on the General Plan for the City as a major or secondary arterial.

HISTORIC DISTRICT: A geographically definable area possessing a concentration of thematically related properties unified aesthetically by plan or historical physical development.

HOLIDAYS: Shall include any of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas."

HOLIDAY DECORATIONS: Shall mean any sign, including displays and lighting, which is a nonpermanent installation customarily associated with any national, state, local or religious holiday or celebration, and which does not advertise a product or sale.

HOME OCCUPATION: Means an accessory use or activity of a business nature conducted on residential property by the occupants of the dwelling which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITAL: Means any facility which is maintained and operated for the diagnosis, care and treatment of human illness or sickness, including convalescence, and to which persons may be admitted for overnight stay or longer. Hospital includes sanitarium.

HOSPITAL, ANIMAL: Means any facility where animals are given medical or surgical treatment.

HOTEL: Means a building, or portion thereof, containing public guest or dormitory rooms without cooking facilities, used or designed to be used by guests for compensation.

HOUSE CAR: Means a vehicle with motive power designed or used for human habitation, or a vehicle with motive power upon which a structure designed or used for human habitation or camping is permanently or temporarily mounted.

INDUSTRIAL USE: Means any use which is permitted by Sections 10-1-802 and 10-1-809 of this chapter.

JUNK: Means worn-out, scrapped or discarded articles or materials which are ready for destruction, salvage or conversion to some use; junk does not include any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose.

JUNKYARD: Means places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Examples include salvage yards, junkyards, or paper salvage yards.

KENNEL: Means any lot, building, enclosure or premises (except an animal hospital) wherein four (4) or more dogs, cats or combination thereof, four (4) months of age or over, are kept.

LANDSCAPING: Means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers, or lawns, including natural features such as rock and stone, and structural features such as arbors, pergolas, fountains, reflecting pools, art works, screens, walls, fences and benches.

LATE NIGHT HOURS: Shall mean the time between midnight and 6:00 a.m.

LATE NIGHT BUSINESS: Shall mean a commercial or industrial use that receives and/or is open to patrons at any time during Late Night Hours.

LATE NIGHT OPERATIONS: Shall mean a commercial or industrial use that operates noise-generating equipment, such as vehicles, machinery, pumps, refrigeration units on trucks, or motorized cleaning equipment, exposed to the exterior at any time during Late Night Hours. "Late Night Operations" shall not include the operation of equipment permanently attached to the building such as air conditioners. "Late Night Operations" shall not include deliveries if vehicles and other motors are not in operation during the delivery.

LIGHT INDUSTRIAL MANUFACTURING: Means establishments engaged in the manufacture or processing of products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental

storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines. Examples include apparel, appliances, batteries, food and beverage products, machinery, pharmaceuticals, soda bottling, and toiletries.

LOADING SPACE: Means an off-street space or berth having access to a street or alley, on the same lot with a main building, or contiguous to a group of buildings, used for the temporary parking of commercial vehicles while loading or unloading.

LOT: Means a parcel of real property: 1) shown with a separate and distinct number on a subdivision tract map recorded with the County Recorder of Los Angeles County; or 2) the dimensions or boundaries of which are defined by a record of survey or parcel map so recorded pursuant to the provisions of the Subdivision Map Act of the State of California; or 3) registered under the Land Title Law (Torrens Title), and held under separate ownership from adjacent property on the effective date of the chapter; or 4) if not incompatible within the context in which the word "lot" is used, any portion of a lot or parcel of land, or any area commonly treated as a lot or parcel of land, upon which a use is permitted by this chapter. For the purpose of development standards as set forth in this chapter, a lot shall not include or extend into any area designated as a public street easement or right-of-way or alley easement or right-of-way.

LOT AREA: Means the same as "Area of Lot."

LOT CORNER: Means a lot situated at the intersection of two (2) or more streets.

LOT DEPTH: Means the average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: Means any lot which is not a corner lot.

LOT, KEY: Means the first interior lot to the rear of a reversed corner lot.

LOT, REVERSED CORNER: Means a corner lot, the rear lot line of which abuts upon the side lot line of another lot.

LOT, THROUGH: Means a corner or interior lot which abuts on two (2) separate and substantially parallel public streets.

LOT, WIDTH: Means the average horizontal distance between the side lot lines.

LOT LINE, FRONT: Means 1) in the case of an interior lot, a lot line separating the lot from the street; 2) in the case of a corner lot, a lot line separating the narrowest street frontage of the lot from the street; or 3) the lot line designated as the front lot line by the Community Development Director pursuant to Site Plan Review.

LOT LINE, REAR: Means a lot line which is opposite and most distant from the front lot line, and in case of an irregularly shaped lot, a line whose minimum length is ten (10) feet within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Means a lot boundary line not a front lot line or a rear lot line; in the case of a corner lot, a side lot line separates the widest street frontage of the lot from the street.

MAIN BUILDING or STRUCTURE: Means a building or structure within which is conducted the principal use permitted on the lot by this chapter.

MARKET, CONVENIENCE: Means a retail use not to exceed 3,500 square feet in gross floor area with a range of merchandise oriented to daily convenience and travelers shopping needs including, but not limited to: pre-packaged food products, household items, newspaper and/or magazines, and other pre-prepared foods for off-site consumption. This use does not include on-site consumption or on-site preparation by employees. This use may be part of a gasoline or service station or an independent facility.

MARKET, NEIGHBORHOOD: Means a retail use not to exceed 10,000 square feet in gross floor area with a range of merchandise including, but not limited to: fresh produce, perishable goods, meats, seafood, packaged food products, general household goods and beverages, primarily for off-site preparation and consumption. Specialized departments such as bakeries, butchers, delicatessens, and florists are permitted as part of this use category. Incidental uses such as banks, pharmacies, fast food take-out, coffee or juice bars, and photo processing are not permitted as part of this use category.

MARKET, SUPER: Means a retail use providing a range of merchandise and specialized departments consistent with the "Market, Neighborhood" use category that is in excess of 10,000 square feet in gross floor area and/or includes incidental uses such as banks, pharmacies, fast food take-out, coffee or juice bars, and photo processing.

MASONRY: Means anything constructed of stone, brick or tiles or any material of similar durability.

MASSAGE PARLOR: Means an establishment, where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEDIA DISTRICT DISPLAY: Shall mean any sign that is attached to a building or permanent structure within the Media District and that is a replica of a movie, television or media character or production that is owned, controlled or produced by the business displaying such sign.

MINI-MALL: Means a shopping center which is less than one (1) acre in total net area.

MOBILE HOME (Manufactured home): Means a dwelling unit built in a factory in one (1) or more sections, transported over the highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation.

MOBILE HOME PARK (defined in Section 10-1-301 of this Code).

MONOPOLE: Means a single unsupported pole, post, or similar structure that is used to support equipment associated with a commercial wireless telecommunications facility. This includes towers, flagpoles and mono-trees.

MORE RESTRICTIVE ZONING: Means that the M-2 Zone is the least restrictive and that the following zones are more restrictive in the order shown: M-1, C-4, C-3, C-2, C-1, R-5, R-4, R-3, R-2, R-1-H, R-1.

MOTEL: Means one (1) or more buildings with motor vehicle parking space conveniently located near each unit, containing individual sleeping units used temporarily by automobile tourists or transients.

MULTIFAMILY RESIDENTIAL ZONE or MULTIFAMILY ZONE: Means the same as Multiple family residential zone.

MULTIPLE FAMILY RESIDENTIAL ZONE or MULTIPLE FAMILY ZONE: Means the R-2, R-3, R-4, R-5, MDR-3, MDR-4, or MDR-5 zones.

MULTIPLE FAMILY ZONED PROPERTY or MULTIPLE FAMILY PROPERTY: Means a property with a multiple family zone designation.

NATURAL GRADE: Shall mean any vertical elevation or location of the ground surface prior to any construction, leveling, grading, or development associated with the current project.

NIGHTCLUB: Means an establishment which engages in the sale of alcoholic beverages in conjunction with dancing, regardless of whether or not such establishment is simultaneously offering full restaurant meal service.

NONCONFORMING BUILDING or STRUCTURE: Means a building or structure or portion thereof which was lawful when constructed but which does not conform to Zoning Ordinance requirements subsequently established.

NONCONFORMING LOT: Means a lot having less area, frontage, or dimensions than required in the zone in which it is located.

NONCONFORMING USE: Means a use of land/or building or structure, which was lawful when established including compliance with property development requirements but which does not conform to Zoning Ordinance use and property development requirements subsequently established.

NON-CONTRIBUTING RESOURCE: Any resource that does not add to the historical, architectural, or cultural significance of a Historic District.

NURSING HOME: Means the same as "Convalescent Home."

OPEN SPACE: Means an area not occupied by above-grade parking, refuse facilities, or above grade structures other than driveways, recreational amenities, and other yard encroachments authorized by this Chapter.

PARCEL OF LAND: Means a contiguous quantity of land in the possession of, owned by, or recorded as the property held by the same person.

PARKING AREA or PARKING LOT: Means a portion of a lot, parcel of land or structure designed and used for parking motor vehicles when not in use.

PARKING SPACE: Means an unobstructed space used for parking a motor vehicle.

PERFORMER: Shall mean a person who is an employee or independent contractor of an adult business or any other person who, with or without any compensation or other form of consideration, provides adult live entertainment for patrons of an adult business.

PERSONAL OR PHYSICAL ARTS STUDIO: Means a studio providing instructional services or facilities in a personal or physical art such as art, crafts, music, dance, acting, martial arts or fencing. Personal or Physical Arts Studio does not include a Rehearsal Studio or a School.

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICE: Means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

PERSONAL WIRELESS TELECOMMUNICATIONS SERVICE FACILITY: Means a facility for the provision of personal wireless telecommunications services.

PLANNED RESIDENTIAL DEVELOPMENT: Means an area of land developed or proposed to be developed as a single entity for a number of separate dwellings, the plan for which does not completely meet the lot size, bulk or type of dwelling, density, or lot coverage requirements of any one of the residential zones included in the development.

PORCH: Means an exterior appendage to a building or a recess into a building that forms a covered approach or vestibule to a doorway.

PORTE-COCHERE: Means a canopy attached to a residence, which is open on all sides, except where attached to a residence and which extends over a driveway used for the loading and unloading of vehicles, but which cannot be used to satisfy the off-street parking requirements of this chapter.

PROPERTY LINE: Means a description of the horizontal limits of a lot consisting of the front, side, and rear lot lines.

PUBLIC FACILITY: Shall mean roads, watershed areas, conservation, flood control, water supply, landfill facilities, and other public facilities owned and operated by the City of Burbank.

PUBLIC AND PRIVATE EDUCATIONAL INSTITUTION: Means any Public or Private School and/or Administrative Office of a Public or a Private School.

PUBLIC PARK: Means a park, playground, swimming pool, reservoir, golf course or athletic field within the City which is under the control, operation or management of the Parks and Recreation Department.

PUBLIC UTILITY FACILITY: Means a facility, including one (1) or more buildings operated with or without personnel, consisting of operating electrical and mechanical equipment necessary for the conduct of a public utility business. Public utility facility does not include a "personal wireless telecommunications service facility".

RECREATIONAL VEHICLE: Means travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and similar vehicles.

REGISTER OF HISTORIC RESOURCES: Means the City of Burbank's official list of Resources that have been approved by the City Council as Designated Historic Resources. The City of Burbank's Register of Historic Resources includes all Resources that have been formally listed on the National Register of Historic Places, designated National Historic Landmarks, listed on the California Register of Historic Resources, designated California Historic Landmarks, or designated California Points of Historic Interest.

REHEARSAL STUDIO: Means a studio used for the rehearsal of music, dance or theater productions. Rehearsal Studio does not include a studio or facility that is within and incidental to a motion picture studio, broadcasting studio or recording studio that is maintained and equipped for making motion pictures, for the transmission of radio and television programs or for making audio recordings.

RELIGIOUS INSTITUTION: Shall mean a structure or facility that is used primarily for religious worship and related religious activities.

RESIDENCE: Means a building designed or used as a dwelling for one (1) or more families.

RESIDENTIAL CARE HOME - RETIREMENT HOME: Means a facility used primarily for the residential accommodation of persons of advanced years and others who require or desire assistance in their daily domiciliary activities.

RESIDENTIAL USE: Means any use which is permitted by Sections 10-1-602 and 10-1-627 of this chapter; and includes Planned Residential Developments.

RESIDENTIALLY ADJACENT: Shall mean any commercially or industrially zoned property located within 150 feet of any residentially zoned property (measured at the two (2) properties' closest points).

RESOURCE: Means any publicly or privately owned property, parcel, lot, structure, building, object, sign, landscape, or other natural or man-made area, feature, or improvement, or portion thereof.

RESTAURANT/DRINKING ESTABLISHMENT: Means a restaurant which serves alcohol and which does not have dancing and which does not have more than two (2) billiard tables, but does not meet both conditions 1 and 4 of the definition of "Restaurant with Incidental Alcohol".

RESTAURANT, FAST SERVICE: Means a restaurant where food is prepared on-site for consumption on-site via counter service. Table service is very limited.

RESTAURANT, FULL SERVICE: Means a restaurant where food is prepared on-site for consumption on-site via table service and less than 20 percent of the serving area is available for private party rental where access by the general public is restricted.

RESTAURANT, WITH DRIVE-THROUGH: Means any establishment which is engaged in the business of preparing and purveying food where provision is made for serving of food to patrons in vehicles for consumption at a separate location either on or off the premises.

RESTAURANT WITH INCIDENTAL ALCOHOL: Means a restaurant serving alcohol which also meets the following conditions: 1) at least 65 percent of the gross sales revenue of the

establishment must be from food sales; 2) there is no dancing at the establishment; 3) there are no more than two (2) billiard tables at the establishment; and 4) any area of the establishment devoted primarily to the sales or consumption of alcohol shall not constitute more than 15 percent of the adjusted gross floor area of the establishment. In determining the floor area devoted primarily to the sales or consumption of alcohol, the City Planner shall consider the following factors: the layout and site plan of the establishment; the location and size of the bar; whether the size, placement and spacing of tables, stools, and booths indicate that the area is primarily devoted to the sales or consumption of alcohol; whether there is a wall or other separation in the establishment dividing an area primarily devoted to the sales or consumption of alcohol from the dining area; and whether or not full meals are served in the area.

RETIREMENT HOME: Means a facility used primarily for the residential accommodation of persons of advanced years and others who require or desire assistance in their daily domiciliary activities.

ROW HOUSE: Means the same as "Town House."

SCHOOL: Means an establishment or facility used as an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the State Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a child day care facility, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, and a vocational or a professional institution. This definition also includes child day care facilities utilized at a school location which are licensed by the State Department of Social Services and the City of Burbank.

SECRETARY TO THE BOARD: Means the City Planner of the City.

SERVICE STATION: Means a lot upon which there is a facility for the sale of gasoline, lubricating oil, minor accessories and minor services required by motor vehicles. Service station does not include any facility primarily devoted to sale of major auto accessories, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting or upholstering, or car washing.

SEXUAL ENCOUNTER ESTABLISHMENT: Shall mean an establishment, including but not limited to private and commercial clubs or organizations, which for any form of consideration or gratuity, provides a place where two (2) or more persons may congregate, assemble or associate for the purpose of engaging in the following activities: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; 2) sexual intercourse, oral copulation, sodomy, masturbation or ejaculation; 3) masochism, erotic or sexually oriented torture, beating, bondage or infliction of pain; or 4) exposing Specified Anatomical Areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy as part of his or her State-licensed practice.

SEXUALLY ORIENTED MERCHANDISE: Shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or

distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

SHOPPING CENTER: Means a unified complex with two (2) or more retail, sales, service, and/or restaurant tenants sharing common on-site pedestrian and parking facilities, whether located on one (1) or multiple lots or parcels and whether or not held under single ownership. The permitted and conditionally permitted uses within a shopping center shall be the same as those of the zone in which the shopping center is located, except in the Airport Zone where the permitted and conditionally permitted uses within the shopping center shall be those of the C-3 Commercial General Business Zone. A shopping center that is less than one (1) acre in total net area is a "mini-mall." For the purposes of this definition, coffee stands, snack bars, or other businesses that are part of and incidental to larger retail businesses shall not be counted as separate tenants.

SIGN: Shall mean any structure, device, writing, name, number, figure, pictorial representation, illustration, emblem, etching, mural, symbol, display, billboard, signboard, flag, banner, pennant, bunting, clock or appliance which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and support or anchorage thereof, identifying a business, service, or product sold, rent, distributed or manufactured on the premises.

SIGN, ADVERTISING: Means a sign used to identify a business, service, or product not sold, rented, distributed or manufactured on the premises. "Media District displays" are not considered "advertising signs" if the display is located on the property of the company that produces the media production being advertised.

SIGN AREA: Shall mean the total area of the copy and background. In the case of signs consisting of cutout letters or block type displays, the area measured within the periphery of the cutout letters or block displays shall be included.

SIGN, GROUND: Means a sign supported by a structure or structures, including poles, or part of a structure other than the wall of a building, placed in or upon the ground used for the purpose of advertising or identifying the business or name of an occupant of the premises on which such sign is erected. For the purposes of this article, "Ground Sign" shall not include real estate signs.

SIGN, PROJECTING: Shall mean any sign other than a wall sign which is suspended from or supported by any building or structure and which projects outward from the building or the structure.

SIGN, RIDER: Shall mean a sign that is used in conjunction with a real estate sign and states an amenity that is associated with the property which is available for sale, lease or rent.

SIGN, ROOF: Shall mean any sign which is erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

SIGN, WALL: Shall mean any sign which is erected, constructed or attached to the wall of any building or structure, with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

SIGN AREA: Shall mean the total area of the copy and background. In the case of signs consisting of cutout letters or block type displays, the area measured within the periphery of the cutout letters or block displays shall be included.

SINGLE FAMILY RESIDENTIAL ZONE or SINGLE FAMILY ZONE: Means the R-1 or R-1-H zones.

SINGLE FAMILY ZONED PROPERTY or SINGLE FAMILY PROPERTY: Means a property with a single family zone designation.

SITE PLAN: Means a dimensional drawing to scale showing existing and proposed structures and uses for the purpose of evaluating compliance with the applicable requirements of this chapter.

SOBER LIVING FACILITY: Shall mean a group home that provides a sober living environment for persons recovering from alcohol and/or drug abuse and has a meeting room used for assembly purposes, such as, but not limited to, Alcoholics Anonymous meetings. A Sober Living Facility is not a rehabilitation or alcoholic treatment center, and may have, but does not need to have, on-site resident managers. Unless required by State law, a Sober Living Facility need not be licensed or regulated by the State of California.

SPECIFIED ANATOMICAL AREAS: Shall mean and include any of the following:

1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered:
 - (i) human genitals, pubic region;
 - (ii) buttocks, anus; or
 - (iii) female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual stimulation or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STABLE: Means an enclosed structure designed or used to shelter horses.

STORAGE FACILITY, PUBLIC: Means a structure or structures where members of the public may store and retrieve personal items. One (1) dwelling unit per facility is allowed for caretakers on the premises. Does not include automobile storage, which is classified separately.

STORY: Is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.

STREET: Means a public way which affords the principal means of access to abutting property, and which may include abutting curbs, parkways, and sidewalks.

STREET LINE, FUTURE: Means a line, established on property, parallel to an abutting street to which the street is proposed to be widened.

STRUCTURAL ALTERATION: Means a change to the supporting members of a structure, including walls, columns, beams or girders, floor or ceiling joists, roof rafters or diaphragms, foundations, piles, retaining walls, or similar members.

STRUCTURE: Means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

STRUCTURE, ACCESSORY: Means a structure detached from the main structure of which an accessory use is made.

STRUCTURE HEIGHT: Means Building Height, or as to any other structure the vertical distance measured from the grade to the highest elevation of the structure.

TEMPORARY AID CENTER: Shall mean any establishment that provides homeless and low-income people with short-term services, where no person is denied assistance because of inability to pay. Temporary Aid Centers provide supportive services such as food, clothing, counseling, laundry, and access to other social programs, but do not provide overnight shelter. This use does not include establishments that function as medical or professional offices and provide social services.

TOWN HOUSE: Means a dwelling used for a single family residence which abuts one (1) or more dwellings and is without side yards where so abutting.

TRADE SCHOOL: Means an institution offering instruction in a trade or vocation that is not of an academic or professional nature.

TRAILER: Means a vehicle, without motive power, designed or used for transporting property on its own structure and for being drawn by a motor vehicle, but not designed or used for human habitation.

TRANSIENT: Means a person who is receiving accommodations for compensation, with or without meals, for a period of not more than 90 continuous days in any one (1) year.

UNLICENSED WIRELESS SERVICE: Means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

USE: Means a purpose for which land or a structure is used.

USE, ACCESSORY: Means a use subordinate or incidental to the main use of a lot or structure.

WAREHOUSING AND STORAGE: Means a building or facility used for storing materials and products. These facilities are not open to the general public.

WHIP ANTENNA: Shall mean a pole or single element vertical antenna no more than three (3) inches in diameter.

WIRELESS TELECOMMUNICATIONS FACILITY (WTF): Means a commercial facility that transmits and/or receives electromagnetic or radio frequency waves, including, but not limited to towers, antennas, monopoles, distributed antenna systems, support or accessory structures and related equipment. Amateur radio operators are not included in this definition. Includes related equipment, which is all equipment ancillary to the transmission and reception of a wireless telecommunications facility. Such equipment may include, but is not limited to, cable, conduit and connectors, electrical meters, and enclosed electrical equipment.

YARD: Means a space on a lot which is open, unoccupied and unobstructed from the ground upward except for permitted facilities.

YARD, FRONT: Means a yard across the full width of a lot extending from the front lot line or future street line to a required depth.

YARD, REAR: Means a yard across the full width of a lot, measured from the rear lot line to a required depth.

YARD, SIDE: Means a yard extending from a required front yard to a required rear yard, measured from the side property line or future street line to the width required.

ZONE: Means a classified district shown on the Zone Map, in which certain uses are permitted, conditional, or prohibited, as specified in this chapter.

ZONE, CHANGE OF: Means the legislative act of removing one (1) or more parcels of land from one zone and placing them in another zone on the Zone Map.

ZONE MAP: Means the Official Zone Map of the City, as amended. [Amended by Ord. No. 3829; eff. 10/19/12; Formerly numbered Section 31-5; 3826, 3817, 3812, 3816; 3810, 3804, 3776; 3774; 3750; 3743, 3700, 3676, 3669, 3663, 3644, 3621, 3588, 3564, 3557, 3556, 3537, 3535, 3503, 3495, 3488, 3475, 3465, 3464, 3457, 3439, 3431, 3404, 3400, 3376, 3365, 3335, 3267, 3263, 3259, 3200, 3194, 3181, 3173, 3150, 3145, 3140, 3139, 3120, 3113, 3109, 3088, 3087, 3058, 3017, 2930, 2912, 2872, 2859, 2858, 2842, 2836, 2768, 2597, 2588, 2515, 2470, 2420, 2386.]

ARTICLE 3. CLASSIFICATIONS AND ZONE MAP

10-1-301: ESTABLISHMENT OF ZONES:

The following class of zones are established:

Symbol	Description
R-1	Single Family Residential Zone
R-2	Low Density Residential Zone
R-3	Medium Density Residential Zone
R-4	High Density Residential Zone
R-5	Very High Density Residential Zone
C-1	Commercial Retail - Professional Zone
C-2	Commercial Limited Business Zone
C-3	Commercial General Business Zone
C-4	Commercial Unlimited Business Zone
M-1	Limited Industrial Zone
M-2	General Industrial Zone
Airport	Airport Zone
Cemetery	Cemetery Zone
Railroad	Railroad Zone
Open Space	Open Space Zone
MDM-1	Media District Industrial Zone
MDC-2	Media District Limited Commercial Zone
MDC-3	Media District General Business Zone
MDC-4	Media District Commercial/Media Production Zone
R-1-H	Single Family Residential Horsekeeping Zone
NB	Neighborhood Business Zone
GO	Garden Office Zone
RC	Rancho Commercial Zone
CR	Commercial-Recreational Zone
RBP	Rancho Business Park Zone
BCC-1	Burbank Center Commercial Retail-Professional Zone
BCC-2	Burbank Center Commercial Limited Business Zone
BCC-3	Burbank Center Commercial General Business Zone
BCCM	Burbank Center Commercial Manufacturing Zone
MPC-1	Magnolia Park Commercial Retail-Professional Zone
MPC-2	Magnolia Park Commercial Limited Business Zone
MPC-3	Magnolia Park Commercial General Business Zone
AD	Auto Dealership Zone

[Amended by Ord. No. 3810, eff. 6/10/11; Formerly numbered Section 31-6; 3676, 3669, 3522, 3520; 3504, 3058, 2483, 2194.]

10-1-302: ZONE MAP:

A. ADOPTION.

A Zone Map of the City of Burbank showing and delineating the location and boundaries of the various zones, together with explanatory matter, is on file in the office of the City Clerk as the Zone Map of the City and is hereby adopted by reference and declared to be a part of this chapter.

B. CERTIFICATION.

The Zone Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zone Map referred to in Section 10-1-302 of the Municipal Code of the City of Burbank."

C. DIVISION INTO PARTS.

The Zone Map may, for convenience, be divided into parts and each part may, for purposes of more readily identifying areas within the map, be subdivided into units and such parts and units may be separately employed for the purpose of amending the map or for official references thereto.

D. AMENDMENTS.

The Zone Map shall be promptly corrected to conform to amendments thereto and the amendments shall each be noted on the map by an endorsement signed by the Mayor and attested by the City Clerk. [Formerly numbered Section 31-7; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-303: UNCERTAINTY OF BOUNDARIES:

When uncertainty exists as to the boundaries of any zone shown on the Zone Map, the following rules shall apply:

1. Where a boundary line is indicated as following a street, alley, or watercourse, it shall be construed as following the center line thereof.
2. Where a boundary line follows or coincides approximately with a lot line or a property line, it shall be construed as following the lot line or property line.
3. Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property line, the boundary line shall be determined by the dimensions designated on the zoning map.
4. Where a boundary line follows or coincides approximately with the City boundary, it shall be construed as following the City boundary.
5. Where further uncertainty exists, the Board, upon written application or on its own motion, shall determine the location on a boundary line, giving due consideration to the location indicated on the Zone Map and the objectives and purposes of the Zoning Ordinance. [Formerly numbered Section 31-8; Renumbered by Ord. No. 3058, eff. 2/21/87.]

ARTICLE 4. ADMINISTRATION AND ENFORCEMENT

10-1-401: INTERPRETATION OF ZONING ORDINANCE:

The provisions of the Zoning Ordinance are minimum requirements and shall apply uniformly to each class or kind of structure or land, except as otherwise provided. When at Variance with any rule, regulation, other ordinance, deed restriction or covenant, the more restrictive requirement or that imposing the higher standard shall govern. [Formerly numbered Section 31-9; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-402: APPLICATION; EXCEPTIONS:

The provisions of this chapter apply to all property except underground utility lines and facilities, local telephone cable and supporting poles, community antenna television systems, and electric distribution lines with capacities of less than 11,000 volts. [Formerly numbered Section 31-10; Renumbered by Ord. No. 3058, eff. 2/21/87; 2208.] [*City of Burbank v. Burbank-Glendale-Pasadena Airport Authority* (1999) 72 Cal.App.4th 366, 375, 85 Cal.Rptr.2d 28]

10-1-403: BUILDING PERMITS:

Every application for a building permit shall include a site plan and such other information as may be necessary to provide for the administration of the Zoning Ordinance. [Formerly numbered Section 31-11; Renumbered by Ord. No. 3058, eff. 2/21/87.] [*City of Burbank v. Burbank-Glendale-Pasadena Airport Authority* (1999) 72 Cal.App.4th 366, 375, 85 Cal.Rptr.2d 28]

10-1-404: ENFORCEMENT:

A. ENFORCING AUTHORITY.

The provisions of the Zoning Ordinance shall be enforced by the Building Director.

B. COMPLIANCE WITH ORDINANCE BY OFFICERS AND EMPLOYEES.

All officers and employees vested with authority to issue permits, certificates or licenses shall comply with the provisions of the Zoning Ordinance and shall not issue any permit, certificate or license in conflict with it. Any permit, certificate or license so issued shall be void. [Formerly numbered Section 31-12; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930.] [*City of Burbank v. Burbank-Glendale-Pasadena Airport Authority* (1999) 72 Cal.App.4th 366, 375, 85 Cal.Rptr.2d 28]

10-1-405: ADOPTION OF INTERPRETIVE POLICIES, RULES, AND REGULATIONS:

A. INTERPRETIVE POLICIES.

The Community Development Director is authorized to establish policies as necessary for the interpretation of any Section of this Chapter. The interpretation of the Director is final and governs the administration of this Chapter.

B. RULES AND REGULATIONS.

The Director is authorized to establish rules and regulations as necessary for the administration and enforcement of this Chapter, so long as such rules and regulations are not inconsistent with any provision of this Code and are approved by the Planning Board. The Director may forward any proposed rule or regulation to the City Council for consideration. [Formerly numbered Section 31-13; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05; 2930, 2193.]

10-1-406: INSPECTION OF PREMISES:

To administer and enforce the Zoning Ordinance, the Building Director, or his authorized representative, may at any reasonable hour enter any land or structure to investigate and inspect; provided that no structure shall be entered in the absence of the owner or occupant without a written order of a court of competent jurisdiction. [Formerly numbered Section 31-14; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930.]

10-1-407: AGREEMENTS TO HOLD SEPARATE LOTS AS ONE PARCEL:

The Building Director is authorized to enter into an agreement on behalf of the City in which the owner of real property and the trustees of any trust deed upon such property covenant and agree to hold two (2) or more contiguous parcels of such property as one (1) lot or parcel in order to insure compliance with any provisions of this chapter. Such covenant and agreement shall provide substantially that covenant and agreement is binding upon any future owners, encumbrances and their successors, heirs and assignees. The covenant and agreement shall be submitted to the City Attorney for approval as to form. [Formerly numbered Section 31-15; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2193.]

10-1-408: CITY ATTORNEY AUTHORIZED TO TAKE LEGAL PROCEEDINGS:

The City Attorney, upon request of the Building Director, is authorized to institute necessary legal proceedings to enforce the provisions of the Zoning Ordinance. [Formerly numbered Section 31-16; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930.]

10-1-409: VIOLATION A PUBLIC NUISANCE:

Any property, building or structure used, erected, constructed, moved or altered in violation of the Zoning Ordinance is declared to be a public nuisance. [Formerly numbered Section 31-17; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-410: VOIDABLE CONVEYANCES:

Any conveyance, sale or contract to sell made contrary to the Zoning Ordinance, shall be voidable at the option of the grantee, buyer, or person contracting to purchase, within one (1) year after the date execution of the conveyance, sale, or contract to sell is binding upon the grantor, vendor, or person contracting to sell and upon any assignee or transferee of the grantee, buyer, or person contracting to purchase. [Formerly numbered Section 31-18; Renumbered by Ord. No. 3058, eff. 2/21/87.]

ARTICLE 5. USE TABLE AND GENERAL USE REGULATIONS

10-1-501: AUTHORIZED USES:

Uses in all zones are only allowed as described in the use table comprising Section 10-1-502, unless authorized pursuant to the provisions of Section 10-1-503 or authorized by other provisions of this Code. Unless otherwise provided, uses not authorized shall not be carried on where not authorized, except as lawful nonconforming uses. [Formerly numbered Section 31-19; Amended by Ord. No. 3504, eff. 12/26/98; 3058.]

10-1-502: USES IN ALL ZONES (EXCEPT RESIDENTIAL ZONES):

(See end of Article)

[Amended by Ord. No. 3817, eff. 10/14/11; Formerly numbered Section 31-20; Renumbered by Ord. No. 3504; 3816; 3804, 3801; 3791, 3776, 3749, 3731, 3666, 3644, 3621, 3568, 3564, 3557, 3556, 3551, 3537, 3522, 3520; 3058.]

10-1-503: CITY PLANNER CLASSIFICATIONS:

A. CLASSIFICATION.

The City Planner may classify any use in any zone as a use permitted subject to a Conditional Use Permit where such proposed use is determined by the City Planner to be substantially similar to uses specifically listed in the proposed zone as a permitted use or a use permitted subject to a Conditional Use Permit.

B. FINDINGS.

In classifying a use as a use permitted in a zone subject to a Conditional Use Permit, the City Planner shall first make a finding that all of the following conditions exist:

1. The subject use and its operation are compatible with the uses permitted in the zone where it is proposed to be allowed;
2. The subject use is similar to two (2) or more uses permitted in the zone within which it is proposed to be allowed;
3. The subject use will not cause substantial injury to the value of the property in neighborhoods within which it is likely to be located; and,
4. The subject use will be so controlled that the public health, safety, and general welfare will be protected.

C. EFFECT OF DETERMINATION.

Uses classified pursuant to this section shall be regarded as listed uses permitted in a specified zone subject to a Conditional Use Permit. The City Planner shall maintain in the office of the City Planner a current list of all such classifications which have been made. [Added by Ord. No. 2988; Formerly numbered Section 31-20.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-504: COMPLIANCE WITH REGULATIONS:

All structures and land shall be used and occupied in conformity with this chapter. [Formerly numbered Section 31-21; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-505: TEMPORARY CONSTRUCTION INCIDENTAL TO PERMITTED USES, ETC.:

Temporary structures and the storage of materials necessary and incidental to work being performed on uses or structures authorized by this chapter are permitted for the duration of the work and for ten (10) days after completion. The Building Director may order the temporary structure and material removed if the work is not diligently carried on to completion. [Formerly numbered Section 31-22; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-506: LIMITATION ON OPEN STORAGE:

Open storage of materials and equipment other than automobiles in a sales display or service area is permitted only when incidental to a lawful use located on the same premises. [Formerly numbered Section 31-23; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-507: KEEPING OF HORSES; STABLES AND CORRALS:

It is unlawful to keep a horse in the City or to erect a stable or corral designed or intended for keeping horses, except as expressly permitted in this chapter. [Formerly numbered Section 31-24; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-508: MOBILE HOMES AND HOUSE CARS:

No person shall use a mobile home or house car in the City, except:

1. For any permitted use in a duly licensed mobile home park or in the case of mobile homes only, on a permanent foundation in a single family residential zone.
2. As sleeping quarters for a caretaker on the premises upon land zoned M-1 or M-2 if approved by the Building Director and located at least three (3) feet from the property lines and six (6) feet from the openings in buildings; or
3. For storage or office purposes that are incidental and directly related to the main use of the lot upon land zoned M-1 or M-2 for a period not to exceed 120 days, if approved by the Building Director and located at least three (3) feet from the property lines and six (6) feet from openings in buildings.
4. As caretakers' quarters or for storage or office purposes on lots used for the temporary sale of Christmas trees. [Formerly numbered Section 31-25; Renumbered by Ord. No. 3058, eff. 2/21/87; 2858, 2370.]

10-1-509: USE OF STREETS FOR CELEBRATIONS, ETC.:

Streets may be used for any of the purposes authorized by Section 21101(e) of the State Vehicle Code. [Formerly numbered Section 31-25.1; Renumbered by Ord. No. 3058, eff. 2/21/87; 2262.]

10-1-510: SALE OF PERSONAL PROPERTY IN RESIDENTIAL ZONES; GARAGE SALE REQUIREMENTS:

A. PURPOSE.

The purposes of this section are to regulate the nature, frequency, and manner of garage sales, patio sales, yard sales and other similar sales conducted on residential property in order to maintain the non-commercial character of residential zones and properties and to mitigate any negative impacts associated with those sales, including excessive traffic congestion and noise.

B. RESTRICTIONS.

No person shall sell or offer for sale personal property in any residential zone except personal property owned, utilized and maintained by such person or members of his or her family, on or in connection with the premises which they occupy.

C. GARAGE SALES; PERMIT REQUIREMENT.

1. In the event any items of personal property are to be offered for sale to the general public by means of a "Garage Sale," as defined herein, the person conducting the Garage Sale must obtain a Garage Sale Permit from the Community Development Department. The person conducting the Garage Sale shall also file an affidavit with the Community Development Department stating that he or she is an owner or occupant, or a representative of the owner or occupant, of the property at which the Garage Sale will be held and that all the property to be sold is his or her own personal property, or has been assigned to him or her for liquidation purposes (provided that the personal property originated from the residence at which the Garage Sale will be held).

For the purpose of this Section 10-1-510, the term "Garage Sale" means a public sale of personal property on any Premises (as defined below) in a residential zone, a Planned Residential Development, or a legally nonconforming residential unit in any nonresidential zone, and includes a yard sale, patio sale, estate sale or any other similar sale, whether said sale is conducted in a garage or carport, or on a patio, driveway, front yard, side yard, or backyard.

For the purpose of this Section 10-1-510, the term "Premises" means all real property, buildings and appurtenances occupied by an owner, lessee, or tenant as a dwelling or residence, and located upon a legal parcel of land undivided by a street.

2. The term of each Garage Sale Permit granted by the Community Development Department shall not exceed two (2) consecutive days. Only two (2) permits may be obtained per Premises within any 12 month period and such permits shall not be issued within 60 days of each other.

3. Notwithstanding the foregoing (paragraphs (1) and (2) of this Subsection), any person may conduct an additional Garage Sale in conjunction with the "California Second Chance Week" (for a sale on Saturday and/or Sunday of that week only), for which a Garage Sale Permit shall not be required. In the event "California Second Chance Week" is canceled or eliminated, the Council may, by resolution, declare a "Second Chance Week" during which the additional Garage Sale may be held. Any Garage Sale conducted in compliance with this Subsection (3) shall comply with all other requirements pertaining to Garage Sales.

4. Replacement of Unused Permit. In the event that inclement weather, emergency or other similar event (as determined by the Director exercising reasonable discretion) precludes the use of the Garage Sale Permit on its scheduled date of use, then a replacement permit shall be issued if the permit holder applies for the replacement permit within 14 days of the date the original Garage Sale Permit was to have been utilized. The applicant shall apply for the replacement Garage Sale Permit on the regular Garage Sale Permit application, which shall be accompanied by a signed and sworn declaration on a form supplied by the Community Development Department. The declaration shall list the name of the applicant, the address of the proposed garage sale, the dates of the originally scheduled and newly proposed garage sales, and the reason(s) the original garage sale was not conducted.

5. Advertising. Any Garage Sale conducted pursuant to this Section shall comply with all advertising regulations and restrictions contained in the Burbank Municipal Code. Notwithstanding Section 6-1-1011 of this Code, any person conducting a Garage Sale may also place advertising signs, which are otherwise in compliance with this Code, in or on a maximum of two (2) vehicles legally parked on the street. Two (2) signs not exceeding six (6) square feet each may be placed in or on each legally parked vehicle.

D. EXCEPTIONS.

The provisions of this section shall not apply to sales of personal property made under court order or process. [Added by Ord. No. 2295; Formerly numbered Section 31-25.2; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3828, eff. 8/24/12; 3549.]

ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 1. SINGLE FAMILY RESIDENTIAL ZONES

10-1-601: PURPOSE:

A. R-1.

The R-1 Single Family Residential Zone is intended for neighborhoods of single family dwellings separated from multiple family and non-residential uses. The R-1 Zone is appropriate for very low density single family development and, with limited exceptions, is generally not appropriate for non-residential development.

B. R-1-H.

The R-1-H Single Family Residential Horsekeeping Zone is intended for neighborhoods of single family dwellings with incidental facilities for the keeping of horses, separated from multiple family and non-residential uses. The R-1-H Zone is appropriate for very low density single family development with equestrian accommodations. The R-1-H Zone is generally not appropriate for non-residential development except for certain equestrian related facilities and other limited exceptions. [Formerly numbered Section 31-26; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3669, eff. 7/5/05.]

10-1-602: USES IN R-1 AND R-1-H ZONES:

Uses are allowed in the R-1 and R-1-H zones as follows:

A. PERMITTED USES.

Table 10-1-602 identifies the land uses allowed by this Zoning Ordinance, and the land use permit, if any, required to establish a use or expand an existing use.

B. PROHIBITED LAND USES.

Uses not expressly listed in Table 10-1-602, or uses listed as prohibited, may not be carried on in the R-1 or R-1-H zones except as lawful nonconforming uses, unless authorized per Section 10-1-503 or other provisions of this Code.

C. APPLICABLE SECTIONS.

Where the last column in the table includes a section number, the referenced section includes additional requirements related to the use; however, provisions in other sections of this Chapter may also apply.

**Table 10-1-602
Permitted Uses in the R-1 and R-1-H Zones**

Symbol	Meaning
P	Use is permitted
AUP	Administrative use permit required (see Article 19, Division 4.1)
CUP	Conditional use permit required (see Article 19, Division 4)
---	Use is prohibited

Land Use	R-1	R-1-H	Specific Use Standards
Residential and Accessory Uses			
Single family dwelling, not to exceed one per lot, including mobilehomes and manufactured homes	P	P	
Single family dwellings, additional, on one lot	CUP ⁽¹⁾	CUP ⁽¹⁾	
Garages, private	P ⁽²⁾	P ⁽²⁾	
Accessory structures, including minor structures for which no building permit is required ⁽³⁾	P ⁽⁴⁾	P ⁽⁴⁾	10-1-604
Accessory uses typical for a single family home including tennis courts and swimming pools	P	P	
Second dwelling unit	P	---	Article 6, Division 3.5
Home occupation	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	10-1-605
Small family day care home	P	P	
Large family day care home	AUP	AUP	Article 6, Division 13
Community care facility of six or fewer occupants	P	P	
Non-Residential Uses			
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	
Church or church school	CUP	CUP	
Educational institution, public or private	CUP ⁽⁵⁾	CUP ⁽⁵⁾	
Municipal fire station	CUP	CUP	
Municipal library	CUP	CUP	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	
Parking lot, off-street	CUP	CUP	Article 14, Division 4
Public utility facility	CUP	CUP	

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
Wireless Telecommunications Facility	(6)	(6)	10-1-1118
Equestrian and Special Uses			
Animal hospital; no boarding	---	CUP ⁽⁷⁾	
Blacksmith; horse shoeing only	---	CUP ⁽⁷⁾	
Petting zoo	---	CUP ⁽⁷⁾	
Plant nursery	---	CUP ⁽⁷⁾	
Stable, commercial; including housing facilities for caretaker on premises	---	CUP ⁽⁷⁾	Article 24, Division 9

Notes/Additional Requirements:

(1) Additional single family dwellings legally constructed prior to June 4, 1963 are permitted uses that do not require a CUP.

(2) An accessory structure permit is required for a private garage or garages with a combined gross floor area greater than 1,000 square feet.

(3) Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.

(4) An accessory structure permit is required for an enclosed accessory structure or structures with a combined gross floor area greater than 300 square feet. The maximum permitted combined gross floor area of an enclosed accessory structure or structures is 1,000 square feet.

(5) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.

(6) Permitted in accordance with Section 10-1-1118

(7) Permitted only on properties with a land area of 12,000 square feet or greater that abut commercially zoned land. [Amended by Ord. No. 3817, eff. 10/14/11; Formerly numbered Section 31-27; 3697; 3669, 3622, 3535; 3399; 3139, 3127, 3058, 2858, 2754, 2727, 2371, 2322, 2183.]

10-1-603: PROPERTY DEVELOPMENT STANDARDS:

A. STANDARDS TABLE.

All land uses and structures, and alterations to existing land uses and structures, in the R-1 and R-1-H zones must be designed, constructed, and established consistent with the requirements in Table 10-1-603(A) and all other applicable provisions of this Division and this Code. Where the last column in the table includes a section number, the referenced section includes additional requirements related to the development standard.

Table 10-1-603(A)
Development Standards in the R-1 and R-1-H Zones

<i>Development Standards</i>	<i>R-1 and R-1-H</i>	<i>Additional or Related Standards</i>
Density		
Minimum lot area	6,000 square feet	
Minimum lot width	50 feet	
Minimum lot depth	100 feet	
Minimum lot area per primary dwelling unit	6,000 square feet	
Minimum lot area per additional dwelling unit above first 6,000 square feet subject to CUP approval	5,750 square feet	
Minimum dwelling unit size	850 square feet	
Minimum dwelling unit width ⁽¹⁾	20 feet	
Maximum height ⁽²⁾		
To top plate	23 feet	10-1-603(C)
To top of roof and architectural features ⁽³⁾	30 feet	10-1-603(C)
To top plate for accessory structures ⁽⁴⁾	19 feet	10-1-603(C)
To top of roof and architectural features for accessory structures ⁽⁴⁾	26 feet	10-1-603(C)
Maximum floor area ratio ^(H)	0.4 - 0.45 ⁽⁵⁾	10-1-603(D)
Maximum lot coverage	50% ⁽⁶⁾	10-1-603(E)
Minimum yard setbacks ^(H)		
Front	25 feet	10-1-603(F)
Rear	15 feet	10-1-603(F)
Interior side	10% of lot width but no less than 3 feet and no more than 10 feet ⁽⁷⁾	10-1-603(F)
Street-facing side	20% of lot width but no less than 6 feet and no more than 20 feet ⁽⁷⁾	10-1-603(F)
Maximum fence, wall, and hedge heights ^(H)		
Within the front yard setback area	4 feet ⁽⁸⁾ 6 feet (hedges only)	10-1-603(G)
Within the street-facing side yard setback area	6 feet (to rear of house) 8 feet (to rear of lot)	10-1-603(G)
Outside of the front yard or street-facing side yard setback area	8 feet 12 feet (hedges only)	10-1-603(G)
Minimum number of off-street parking spaces ^(H)		
When main dwelling has a gross floor area of 3,400 square feet or less	2 ⁽⁹⁾	10-1-603(H)
When main dwelling has a gross floor area of more than 3,400 square feet	3 ⁽⁹⁾	10-1-603(H)

Notes/Additional Requirements:

(H) For items marked with an (H), the hillside development standards apply if the property is located within the hillside area as defined in Section 10-1-606(A).

1. The minimum dwelling unit width does not apply when a narrower dwelling width is necessary to maintain the minimum required side yard setbacks.

2. On lots where 50 percent or more of the R-1 or R-1-H zoned lots within a 300-foot radius contain homes that were legally built taller than the maximum allowed roof height, the maximum top plate

and roof heights may be exceeded with approval of a Single Family Special Development Permit per Section 10-1-607.

3. Unless otherwise permitted by state or federal law, the maximum 30-foot height limit also applies to free-standing structures other than buildings including but not limited to antennas, satellite dishes, and flagpoles.

4. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by Conditional Use Permit, are not considered accessory structures.

5. (a) The maximum floor area ratio is 0.4. (b) On lots of 6,000 square feet or more, the 0.4 floor area ratio may be exceeded, up to a maximum of 0.45, per Section 10-1-603(D)(6). (c) On lots smaller than 6,000 square feet, the 0.4 and 0.45 floor area ratios may be exceeded with approval of a Single Family Special Development Permit per Section 10-1-607 without complying with Section 10-1-603(D)(6). (d) On lots where 50 percent or more of the R-1 or R-1-H zoned lots within a 300-foot radius contain homes that were legally built larger than would be permitted under the 0.45 floor area ratio, the 0.4 and 0.45 floor area ratios may be exceeded with approval of a Single Family Special Development Permit per Section 10-1-607 without complying with Section 10-1-603(D)(6). (e) In the hillside area as defined in Section 10-1-606(A), the floor area ratio may be reduced through conditions placed upon a Hillside Development Permit per Section 10-1-606(C).

6. The 50 percent maximum lot coverage may be exceeded with approval of a Single Family Special Development Permit per Section 10-1-607 when either of the following apply: (a) the lot is smaller than 6,000 square feet; or (b) 50 percent or more of the R-1 or R-1-H zoned lots within a 300-foot radius contain homes that were legally built with lot coverage greater than 50 percent.

7. The minimum side yard setbacks are determined by calculating the percentage of the lot width and then rounding down to the nearest whole number, even where the fraction is 0.5 or greater. On lots that have an irregular shape or a varying width, the average lot width as determined by the Community Development Director is used to calculate the side yard setbacks.

8. In the front yard, any portion of the fence or wall exceeding three (3) feet in height must utilize an open design. Open design means that for each one-foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall.

9. The first two required parking spaces may not be tandem spaces. The third parking space may be a tandem space.

B. ADDITIONAL STANDARDS.

1. All properties located within the R-1-H Zone must further comply with the requirements set forth in Section 10-1-605.

2. All properties located within the hillside area as defined in Section 10-1-606(A) must further comply with the requirements set forth in Section 10-1-606.

C. HEIGHT.

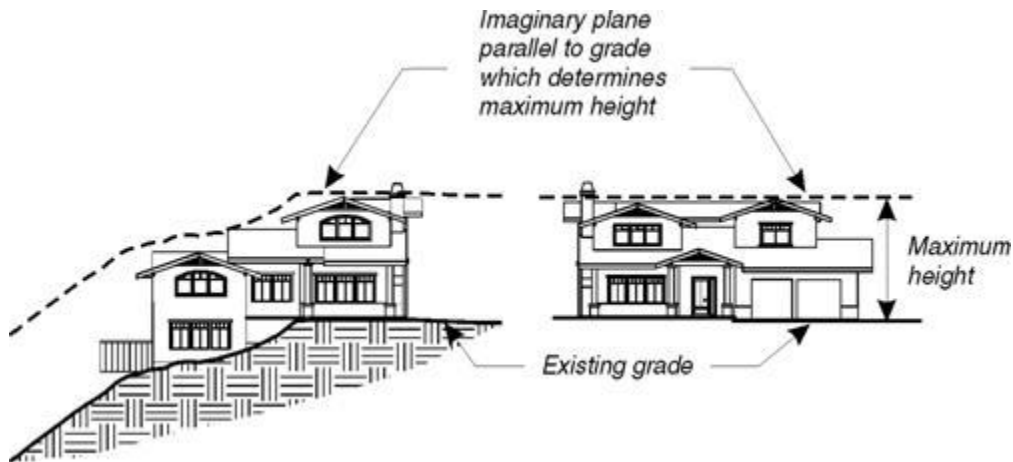
1. Height is measured as the vertical distance from grade to an imaginary plane located the allowed number of feet (as listed in Table 10-1-603(A)) above and parallel to the grade. For the purposes of this section, grade is defined as the lower of the following:

- The existing ground surface of the lot, prior to any grading, cut, or fill activity
- The finished ground surface of the lot, after any grading, cut, or fill activity

The purpose of this requirement is to prohibit the artificial raising of the grade for the purpose of increasing structure height.

Diagram 10-1-603(B) illustrates the imaginary plane on a sloped lot and flat lot when measured from the existing grade to the top of the roof. A separate imaginary plane also parallel to the grade determines the maximum top plate height.

Diagram 10-1-603(B)
Height Measurement



(Graphic: City of Pasadena)

With approval of a Conditional Use Permit, height may be measured from the average grade in lieu of being measured as described above. For the purposes of this section, average grade is defined as the average of the highest and lowest finished ground surface elevations at the perimeter of the structure, whether or not the finished ground surface is higher than the existing ground surface.

2. All features except parapets above a height of 23 feet, or 19 feet on an accessory structure, may not exceed a roof pitch of 12 vertical inches for every 12 horizontal inches, where pitched. This standard is not intended to require hipped roofs.

3. Parapets may not exceed 30 inches in height above the intersection of the roof surface and the wall. A flat roof surface must be no higher than 23 feet above grade, or 19 feet above grade when on an accessory structure.

4. Chimneys may not extend more than 15 feet above the highest point of the roof or exceed a maximum height of 45 feet, or 41 feet on an accessory structure. Unless otherwise permitted by state or federal law, air conditioning units and other roof-mounted equipment may not exceed 30 feet in height, or 26 feet on an accessory structure.

5. When a deck or platform is provided on top of a structure, the assumed top plate height of the structure is six (6) feet, eight (8) inches above the deck surface, unless a deck covering or the top plate of an enclosed space on the same level exceeds that height.

D. FLOOR AREA RATIO.

1. Floor area ratio is calculated using the total gross floor area of all enclosed structures on the property, including but not limited to the main dwelling structure, accessory structures, second dwelling units, enclosed patios, and sheds; except that garages and carports or portions thereof up to 600 square feet, stables, corrals, and tack rooms attached thereto are not included.

2. Non-enclosed spaces and structures are not included in the floor area ratio. A space is considered non-enclosed if it is completely open on at least two (2) sides from the ground or floor level to a height of six (6) feet, eight (8) inches above the ground or floor level.

3. Basements that meet the minimum room dimensions required by the Building Code are counted toward the floor area ratio unless the following criteria are satisfied:

- a. The finished floor level of the first story is no more than 24 inches above the adjoining ground surface for at least 50 percent of the perimeter of the basement; and
- b. The basement space is located directly beneath an enclosed space that is included in the floor area ratio calculation.

4. The following requirements apply to basements whether or not exempted from floor area ratio per Subsection (3).

- a. The area of the basement must be included in the total house square footage for the purposes of determining the number of required off-street parking spaces.
- b. When built as part of an accessory structure, the basement area must be counted toward the square footage and size limitation of the accessory structure.

5. Attics that have a structural floor and meet the minimum room dimensions required by the Building Code are counted toward the floor area ratio.

6. The 0.4 floor area ratio may be exceeded up to a maximum of 0.45 when certain features are incorporated into a house project. The maximum allowed floor area ratio is 0.45 if the main dwelling unit structure includes three (3) or more design features from the following list for a one (1) story structure, or five (5) or more design features from the following list for a two (2) story structure:

- a. The top plate height does not exceed 20 feet as measured per Section 10-1-603(C).
- b. The roof pitch is equal to or greater than six (6) vertical inches for every 12 horizontal inches (6:12).
- c. The second story is built within the pitched roof structure.
- d. Both side yard setbacks are at least two (2) feet greater than the minimum required.
- e. The second story is set back at least 10 additional feet at the front elevation for at least 75 percent of the width of the second story, as measured from the exterior wall of the first story or the outside edge of supporting posts for a covered front porch.
- f. The second story is set back at least five (5) additional feet on at least one (1) side elevation as measured from the exterior wall of the first story.
- g. The gross floor area of the second floor is no more than 75 percent of the gross floor area of the first floor of the main dwelling unit structure (not including an attached or detached garage or any accessory structures).
- h. The roof is a hipped roof, or gables do not face the interior side yard elevations. If a Dutch gable is used facing an interior side yard, the gable is located at least five (5) feet back from the exterior wall.

E. LOT COVERAGE.

1. Lot coverage is calculated using the footprint of all structures on the property including garages, except as exempted below, as measured from the exterior walls or the outside edge of supporting posts for non-enclosed structures or portions thereof.

2. A cantilevered second story of up to four (4) feet is not included in the calculation of lot coverage. If the cantilevered portion is greater than four (4) feet or if the overhanging portion is supported from the ground, the entire cantilevered portion must be included in the calculation of lot coverage.

3. Non-enclosed porches, patios, portes-cochere, and similar non-enclosed covered spaces and structures not counted toward the floor area ratio are not included in the calculation of lot coverage. If a covered space or structure is counted toward the floor area ratio, such space or structure must be counted toward lot coverage.

4. Stables, corrals, and tack rooms attached thereto are not included in the calculation of lot coverage in the R-1-H Zone.

F. YARDS.

1. The minimum required setbacks for all yards are specified in Table 10-1-603(A).

2. Encroachments are permitted into the required setback areas by various structural components and objects to the maximum distance specified in Table 10-1-603(F). Encroachment distances are measured from the minimum required setback line and not from the actual setback of the structure. All setbacks and encroachments are measured perpendicular to the property line.

**Table 10-1-603(F)
Encroachments Into Yard Areas**

Structure/Object	Setback Type	Maximum Encroachment
Structural walls and posts supporting an overhead structure (except accessory structures) and any structural components or objects not specifically listed in this table	Front Rear Interior Side Street-Facing Side	none permitted none permitted none permitted none permitted
Accessory structures ⁽¹⁾	Front Rear Interior Side Street-Facing Side	none permitted up to within 3 feet of property line but not beyond setback plane ⁽²⁾⁽³⁾ up to within 3 feet of property line but not beyond setback plane ⁽²⁾⁽³⁾⁽⁴⁾ none permitted
Eaves, canopies, porch or balcony covers, cornices, sills, etc. not supported by posts	Front Rear Interior Side Street-Facing Side	4 feet 3 feet up to within 2 feet of property line 3 feet
Garden window boxes and non-structural bay windows	Front Rear	4 feet 3 feet

Structure/Object	Setback Type	Maximum Encroachment
	Interior Side Street-Facing Side	2 feet but no less than 3 feet from the property line 3 feet
Uncovered patios or porches at ground level	Front Rear Interior Side Street-Facing Side	5 feet ⁽⁵⁾ up to property line up to property line up to property line ⁽⁵⁾
Uncovered porches, patios, decks, and platforms above ground level and supported from the ground (whether freestanding or attached to a structure)	Front Rear Interior Side Street-Facing Side	5 feet none permitted none permitted ⁽⁶⁾ none permitted
Uncovered porches, patios, decks, platforms, and balconies above ground level, attached to a structure, and not supported from the ground	Front Rear Interior Side Street-Facing Side	5 feet 5 feet none permitted ⁽⁶⁾ up to within 10 feet of property line
Stairways, ramps, and landings leading up to grade level from basement or other below-grade space	Front Rear Interior Side Street-Facing Side	5 feet 5 feet none permitted none permitted
Stairways, ramps, and landings leading from one grade level to another grade level or from grade level up to the first floor level	Front Rear Interior Side Street-Facing Side	up to property line up to property line up to property line up to property line
Stairways, ramps, and landings above floor level of first story ⁽⁶⁾⁽⁷⁾	Front Rear Interior Side Street-Facing Side	4 feet none permitted none permitted none permitted
Above-ground and in-ground swimming pools and spas (as measured to water line)	Front Rear Interior Side Street-Facing Side	none permitted 10 feet up to within 5 feet of property line none permitted
Pool equipment, air conditioning equipment, water heaters ⁽⁸⁾ , barbecues, play equipment, and similar accessory appliances and equipment	Front Rear Interior Side Street-Facing Side	none permitted 12 feet up to within 3 feet of property line none permitted
Chimneys	Front Rear Interior Side Street-Facing Side	none permitted 2 feet 2 feet but no less than 3 feet from the property line 2 feet
Portes-cochere	Front Rear Interior Side Street-Facing Side	none permitted none permitted up to property line ⁽⁹⁾ none permitted

Notes/Additional Requirements:

1. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by Conditional Use Permit, are not considered accessory structures.

2. Accessory structures are permitted to encroach within the standard side and rear setbacks to the minimum three (3) foot setbacks only when located in the rear one-third of the lot. Eaves, canopies, cornices, and sills attached to detached accessory structures may encroach an additional 12 inches to a minimum setback of two (2) feet. See Subsection (4) for information about accessory structure setback planes.

3. The three (3)-foot side and rear setbacks are not required for accessory structures along any side or rear property line that abuts an alley. However, the setback plane described in Subsection (4) still applies.

4. On lots less than 26 feet wide, accessory structures are permitted to encroach within the three (3)-foot side and rear setbacks to a distance necessary to provide a garage or carport that meets the minimum size specified in Section 10-1-603(H).

5. Uncovered patios and porches in the front and street-facing side yards are subject to the hardscape limitations in Subsection (5).

6. Porches, patios, decks, platforms, and balconies must be set back a minimum of 10 feet from interior side property lines. This requirement applies whether the porch, patio, deck, platform, or balcony is freestanding, attached to the main dwelling structure, or attached to an accessory structure.

7. Stairways, ramps, and landings attached to an accessory structure may encroach to the same minimum setbacks as the accessory structure itself.

8. Water heater and equipment closets that are built-in to a structure or enclosed by structural walls are subject to the standard setback requirement for structural walls.

9. Portes-cochere may encroach into the interior side yard setback area for a maximum length of 25 feet as measured parallel to the property line.

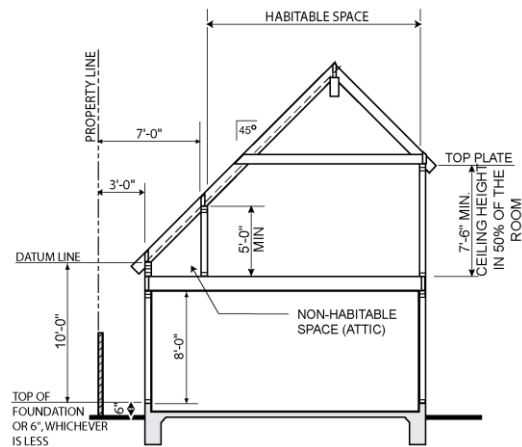
3. Reversed corner lots. Where a reversed corner lot abuts a key lot and the key lot is located in any residential zone, the minimum required street-facing side yard setback and permitted encroachments for all structures and objects in the rear 30 feet of the reversed corner lot is equal to the required setback and permitted encroachments for structures and objects in the front yard of the key lot.

4. In addition to the minimum setbacks prescribed in Table 10-1-603(F), the top plate of the first or second story of an accessory structure may not extend above the prescribed setback planes. Only roof and related architectural features are permitted to extend above the setback planes. Setback planes are illustrated in Diagram 10-1-603(F) and are defined as follows:

a. Setback planes extend inward from each side and rear property line at an angle of 45 degrees from the horizontal.

b. The base of each setback plane is a point located three (3) horizontal feet inward from the property line and 10 vertical feet above the top surface of the six (6) inch foundation stem wall of the accessory structure, or an equivalent vertical distance if the stem wall is a height other than six (6) inches. This applies whether the structure is built on slab or on a raised foundation.

Diagram 10-1-603(F)
Accessory Structure Setback Planes
 (diagram shows example structure configuration and is for illustrative purposes only)



5. The following requirements apply to all front yards and street-facing side yards:
 - a. No more than 45 percent of the required front yard or street-facing side yard setback area may be hardscaped. For the purposes of this Subsection, hardscape means cement concrete, asphalt, brick, pavers, and similar impervious surfaces.
 - b. The allowed hardscaping is limited to a driveway leading directly from a public street or alley to a garage or other required parking area, pedestrian pathways, and encroachments specifically permitted in Table 10-1-603(F). Within the required front yard setback area, driveways must be no wider than 12 feet when the garage is located to the rear of the main dwelling structure and no more than 40 percent of the width of the lot at the street when the garage is located at the front of the main dwelling structure. Within the required street-facing side yard setback area, driveways must be no wider than the width of the garage parallel to the street.
 - c. No hardscaping is permitted next to a driveway so as to provide a continuous hardscaped surface greater than the allowed driveway width unless the hardscaping is providing direct pedestrian access to the main dwelling.
 - d. No vehicle may be parked in a required front yard or street-facing side yard except on a driveway and subject to the limitations of Section 10-1-1405.
 - e. All areas within the required front yard and street-facing side yard setback that are not hardscaped must be landscaped. Such landscaping must be properly maintained.

6. The City Planner and Traffic Engineer may approve exceptions to the requirements of this Subsection to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section 10-1-1403.

7. No structures or objects may be constructed or placed in required yard areas except as permitted by this Section or as included in the definition of Landscaping in Section 10-1-203, and subject to the limitations of Section 10-1-603(G).

G. FENCES, WALLS, HEDGES AND OTHER YARD FEATURES.

1. Fences, walls, and hedges.
 - a. Fences, walls, and hedges may not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire, barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury.
 - b. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-603(A).
 - c. The height of a fence, wall, or hedge is measured from the highest abutting finished ground surface of the property upon which the fence, wall, or hedge is located.
 - d. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair step-design, but each stair-step section, as measured from the horizontal midpoint, may not exceed the maximum height.
 - e. Within a required street-facing side yard (other than a reverse corner lot) fences, walls, and hedges are limited to six (6) feet, except for that portion of the street-facing side yard between the rear of the main dwelling structure and the rear property line, the maximum allowed height of a fence, wall, or hedge is eight (8) feet. On a reverse corner lot, fences, walls, and hedges within the street-facing side yard are subject to the same height limits as in the front yard.
 - f. Ornamentation on top of fences, walls, and hedges in the front yard may exceed the maximum allowed height for fences, walls, and hedges up to 18 inches above the actual height of the fence, wall, or hedge or up to a maximum height limit of five (5) feet, six (6) inches. All ornamentation features must be spaced a minimum of four (4) feet apart, as measured on center. In all other yards, ornamentation may not exceed the maximum allowed height for fences, walls, and hedges.
 - g. All fences, walls, and hedges must comply with the corner cutoff provisions of Section 10-1-1303.
 - h. Gates are subject to the same requirements as fences and walls.
 - i. Enforcement of nonconforming fences and walls established prior to October 17, 2008 may be subject to abeyance pursuant to Section 10-1-19202.
2. Other yard features.
 - a. Other yard features, including but not limited to natural features such as rocks; structural features such as arbors, pergolas, fountains, reflecting pools, art works, screens, light poles, benches, and other items included within the definition of Landscaping per Section 10-1-203 are limited to a maximum of two (2) features per street frontage within front and street-facing side yards. Such features must comply with the corner cutoff provisions of Section 10-1-1303.
 - b. Arbors, pergolas, and similar structures are limited to a maximum height of nine (9) feet, a maximum width of six (6) feet, and an interior length of three (3) feet, as measured from the highest abutting finished ground surface. Other yard features are limited to a maximum height of six (6) feet and a maximum width of six (6) feet.
 - c. Enforcement of nonconforming yard features established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.
3. Retaining walls.
 - a. Retaining walls located within front yard areas are limited to a maximum height of four (4) feet per wall.
 - b. Additional retaining walls must be setback a distance equivalent to the height of the retaining wall below as measured from the face of the retaining wall below.

c. Fences, walls, or hedges that are placed on top of a retaining wall within a front yard are limited to a maximum height of four (4) feet from the abutting finished ground surface and require an additional two (2) foot setback.

d. Enforcement of nonconforming retaining walls established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.

4. Exceptions. Exceptions from the requirements of this Subsection (G) (including the applicable requirements of Section 10-1-1303 referenced herein) may be granted through approval of a fence exception permit as follows.

a. Any exceptions from the requirements of this Subsection (G) to allow a fence, wall, hedge, or other yard feature with a height of six (6) feet or less as measured from the abutting finished ground surface may be granted through approval of a Minor Fence Exception Permit per Section 10-1-19200.

b. Any exceptions from the requirements of this Subsection (G) to allow a fence, wall, hedge, or other yard feature with a height of greater than six (6) feet as measured from the abutting finished ground surface may be granted through approval of a Major Fence Exception Permit per Section 10-1-19201.

H. PARKING AND DRIVEWAYS.

1. All parking required by this Section must be provided in a carport as defined in Section 10-1-203 or in an enclosed garage. No more than one (1) side of a garage may be used for a door to provide vehicle access to the garage.

2. A space no less than nine (9) feet, six (6) inches wide and 19 feet deep must be provided for each required vehicle parking space inside a carport or garage. All parking spaces must be clear of any encroachments including but not limited to structural features, shelves, cabinets, appliances, and equipment.

3. For existing dwellings where the parking area in a garage or carport does not meet the minimum requirements of this Section, the existing parking area may not be reduced or encroached upon, as determined by the dimensions of the physical space provided.

4. Existing off-street parking may be maintained consistent with Subsection (3) except in the following situations, where the parking otherwise required by this Section must be provided:

a. An addition to the existing dwelling structure results in a total gross floor area of more than 3,400 square feet, including where the existing structure already exceeds 3,400 square feet.

b. The existing dwelling structure is voluntarily demolished to an extent more than 50 percent of its replacement cost, whether or not the garage or carport structure is demolished.

c. The existing garage or carport is demolished, destroyed, removed, relocated, or rebuilt.

5. Vehicle access openings to a carport or garage must be no less than eight (8) feet wide for single-width openings and no less than 16 feet wide for double-width openings.

6. Garages located at the front of the main dwelling with a door parallel to the street must be located no closer to the front property line than the interior living space of the main dwelling or a covered front porch.

7. Garages located at the front of the main dwelling must occupy no more than 40 percent of the width of the lot at the street, whether the door is parallel or angled to the street. The City Planner may approve minor exceptions to this requirement for flag lots or other irregular lots.

8. Driveways must lead directly from a public street or alley to a garage or other required parking area using the shortest and most direct route feasible. The City Planner and Traffic Engineer may approve exceptions to this requirement to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section 10-1-1403.

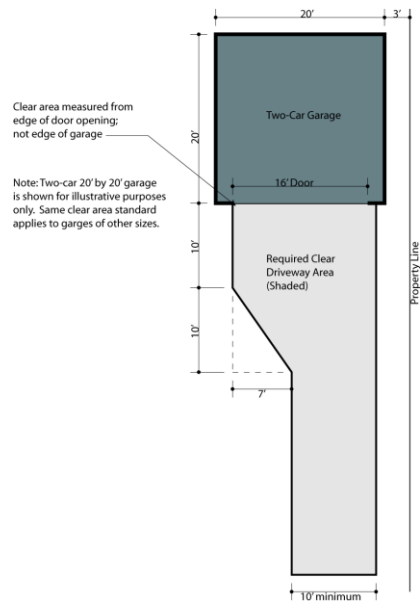
9. Driveways must be no less than 10 feet wide and must be improved with cement concrete, asphalt, brick, pavers, or another similar permanent surface approved by the Traffic Engineer. Driveways must remain clear and unobstructed by any structural elements or vegetation.

10. When a turning movement is required to back out of a parking space, including but not limited to a curved driveway or access from an alley, a minimum backup turning radius of 24 feet must be provided for all parking spaces as measured from the exterior wall of the garage or carport.

11. Parking space access and minimum backup clearances must be provided as shown in Diagram 10-1-603(H) for all required parking spaces whether in a garage or carport or uncovered (in the case of parking for a second dwelling unit). The shaded clear driveway area shown in the diagram must be maintained as a driveway. The clear area must be improved with a permanent surface and must remain clear and unobstructed by any structural elements or vegetation.

12. The elevation of the floor of a garage or carport must be equal to or higher than the top of the curb at the front property line, unless the existing grade slopes downhill away from the street and the driveway follows the existing grade. The existing grade may not be altered for the purpose of lowering the elevation of a garage or carport floor below the top of the curb. Exceptions to this requirement may be granted through approval of a Conditional Use Permit. [Added by Ord. No. 3774, eff. 12/8/09]

Diagram 10-1-603(H)
Parking Space Access Requirement
 (applies to all required parking spaces – garage shown for illustrative purposes only)



I. INTERNAL CIRCULATION.

All rooms attached to the main dwelling unit structure must provide interior access so as to maintain internal circulation among all rooms of the main dwelling. All stories, including usable basements and attics when applicable, must have interior stairway access and may not be accessible solely by an exterior stairway. Second dwelling units and water heater or equipment closets are exempt from this requirement.

J. MOBILE HOMES AND MANUFACTURED HOMES.

In addition to the other standards of this Section, the following requirements apply to all mobile homes and manufactured homes:

1. Homes must be manufactured after June 15, 1976, and must be manufactured to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974.
2. Homes must be installed on a permanent foundation system approved by the Building Official.
3. Exterior siding must be provided as necessary to screen an otherwise non-enclosed under floor area. Such siding must extend to within six (6) inches of the ground surface on all sides of the home and must be made of a non-reflective material that simulates wood, stucco, or masonry.
4. Roofing materials may not consist of continuously rolled metal roofing or any reflective roofing material. [Amended by Ord. No. 3774, eff. 12/08/09; Added by Ord. No. 3774, eff. 12/08/09; Formerly numbered Section 31-28; 3750; 3748; 3690, 3688, 3669, 3622, 3535, 3399, 3259, 3255, 3058, 2922, 2912, 2725, 2640, 2616, 2387, 2356, 2183.]

10-1-604: ACCESSORY STRUCTURES:

A. APPLICABILITY.

Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by Conditional Use Permit, are not considered accessory structures.

B. SIZE.

1. Per Section 10-1-602, an Accessory Structure Permit is required for an enclosed accessory structure or structures, excluding garages, with a combined gross floor area greater than 300 square feet.

2. The combined gross floor area of all enclosed accessory structures on a property, excluding garages, may not exceed 1,000 square feet.

3. Per Section 10-1-602, an Accessory Structure Permit is required for a garage or garages with a combined gross floor area greater than 1,000 square feet.

C. LOCATION.

1. Accessory structures must be located at least six (6) feet away from any other structure on the same lot as measured from the exterior walls of the structures, or the outside edge of supporting posts for non-enclosed structures or portions thereof.

2. Except as provided in Subsection (3), the eave projections of accessory structures must be at least four (4) feet away from the eave projections of any other structure on the same lot.

3. An accessory structure may be connected to the main dwelling structure by means of a porte-cochere, breezeway, patio covering, or other non-enclosed structural feature. However, such accessory structure is subject to the same minimum setback requirements as the main dwelling structure and does not qualify for the reduced accessory structure setbacks.

D. FACILITIES AND USE.

The following requirements apply to all accessory structures.

1. The bottom sill of all windows on the second story of an accessory structure that are located within 10 feet of any property line must be at least five (5) feet above the floor level of the second story.

2. Accessory structures may not contain temporary or permanent kitchen or cooking facilities.

3. Accessory structures may not contain bathroom fixtures except for a lavatory and toilet; or a lavatory, toilet, and shower if in conjunction with an on-site, permanent, in-ground swimming pool. Spas, whether in-ground or above ground, and above-ground pools are not considered swimming pools for the purposes of this Subsection.

4. Plumbing fixtures in an accessory structure other than those provided in a bathroom are limited to one of the following:

- a. One (1) single-basin wet bar sink not exceeding one (1) cubic foot in size; or
- b. One (1) laundry sink if located adjacent to a laundry appliance fixture.

E. USE.

Except as specified in Section 10-1-1813 for legal nonconforming structures, accessory structures may not be used for cooking or sleeping purposes. No person may sleep or otherwise reside in an accessory structure at any time whether such use is temporary or permanent, and whether or not compensation is provided.

F. COVENANT.

Prior to the issuance of a building permit for an accessory structure that will contain bathroom or other plumbing fixtures of any kind or for the installation of bathroom or other plumbing fixtures in an existing accessory structure, a covenant must be prepared by the City Attorney, signed by the property owner(s), and recorded with the County Recorder. The covenant must be binding upon the property owner and all future property owners and must state that the structure may not be used for cooking and/or sleeping purposes; and that kitchen or cooking facilities may not be installed in the structure. [Added by Ord. No. 3139; Formerly numbered Section 31-28.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05.]

10-1-605: ADDITIONAL DEVELOPMENT STANDARDS FOR THE R-1-H ZONE:

A. APPLICABILITY.

The development standards in this Section apply to all properties in the R-1-H Single Family Residential Horsekeeping Zone. The requirements of this Section supersede any conflicting standards in other Sections of this Division.

B. SETBACKS FOR OPENINGS.

1. Doors, windows, and other openings in any dwelling unit or legal nonconforming guest house must conform to the following requirements:

a. Such openings must be at least 10 feet from the rear and side property lines when constructed within the rear 35 feet of the lot.

2. Doors, windows, and other openings in any stable must be at least 10 feet from the rear and side property lines.

3. No structure may be constructed, added to, or otherwise modified so as to create nonconformity with Subsection (1) or increase an existing nonconformity.

C. STANDARDS FOR NON-COMMERCIAL STABLES.

1. Non-commercial stables must be located within the rear 35 feet of the lot.

2. Except as provided herein, non-commercial stables must be set back a minimum of three (3) feet from the rear and side property lines. Openings for stables and/or half-walls must be located at least 10 feet from the rear and side property lines. Stables may be constructed of reinforced masonry, reinforced concrete, wood, or any other construction material approved by the Building Division. The three (3) foot side and rear

setbacks are not required for stables along any side or rear property line that abuts an alley, consistent with the setback requirements for accessory structures in Section 10-1-603(F).

D. STANDARDS FOR NON-COMMERCIAL CORRALS:

1. Non-commercial corrals must be located within the rear 35 feet of the lot.
2. Non-commercial corrals must comply with height and setback requirements for fences and walls.

E. RESTRICTIONS ON KEEPING HORSES.

1. It is unlawful to keep a horse in an R-1-H Zone without a permit issued by the Animal Shelter Superintendent. A permit may not be issued unless first approved by the Community Development Director upon a finding that the property is in conformance with the requirements of this Section. The Director must notify the Animal Shelter Superintendent in writing of the decision to approve or deny a permit application.

2. Each lot on which one (1) or more horses is kept must have a stable to shelter the horse(s).

3. The number of horses kept in an R-1-H Zone in a non-commercial stable may not exceed one (1) for each 3,000 square feet of lot area.

4. The number of horses kept in an R-1-H Zone in a commercial stable may not exceed one (1) horse for each 500 square feet of lot area.

5. Additional requirements for commercial stables are specified in Article 24, Division 9 of this Chapter. [Formerly numbered Section 31-29; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3829, eff. 10/19/12; 3669, 2542, 2356, 2194.]

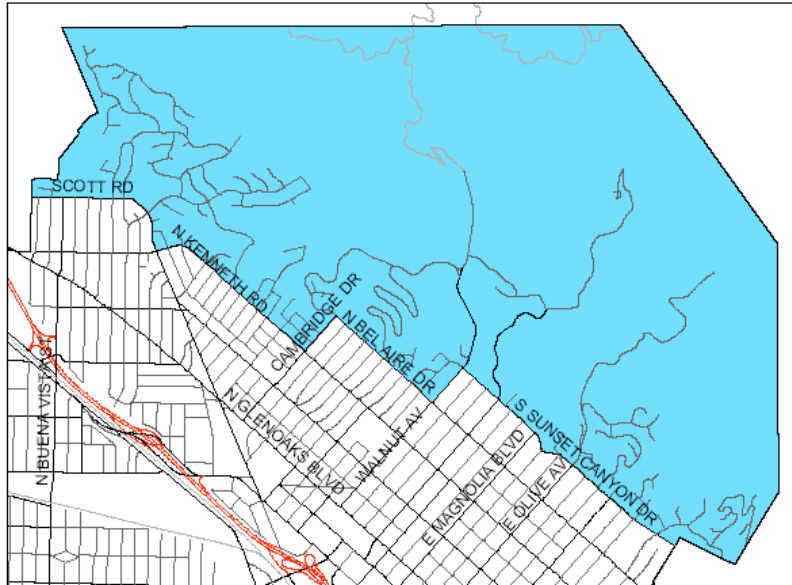
10-1-606: DEVELOPMENT STANDARDS FOR THE HILLSIDE AREA:

A. APPLICABILITY.

1. The requirements of this Section apply to all R-1 zoned properties located within the hillside area, as that area is defined in Subsection (2). The requirements of this Section supersede any conflicting standards of the R-1 Zone. All non-conflicting R-1 standards apply to R-1 zoned properties within the hillside area.

2. The hillside area is defined by the area bounded by the City boundaries with Glendale and Los Angeles and by the following streets as illustrated in Diagram 10-1-606(A): City boundary, Sunset Canyon Drive, Walnut Avenue, Bel Aire Drive, Cambridge Drive, Kenneth Road, Scott Road, City boundary.

Diagram No. 10-1-606(A)
Hillside Area (shaded)



B. HEIGHT. [Deleted by Ord. No. 3774, eff. 12/8/09]

C. FLOOR AREA RATIO.

When a Hillside Development Permit is required, the maximum floor area ratio and house size may be reduced through conditions placed upon the permit when deemed necessary to satisfy the required findings for granting the permit per Section 10-1-607(A)(2).

D. SETBACKS.

1. When the primary view from a property is from the front yard, rear yard, or both yards, a setback line is established in the primary view yard or yards by a line drawn from the nearest front or rear corner of existing homes on adjacent lots as illustrated in Diagram 10-1-606(D).

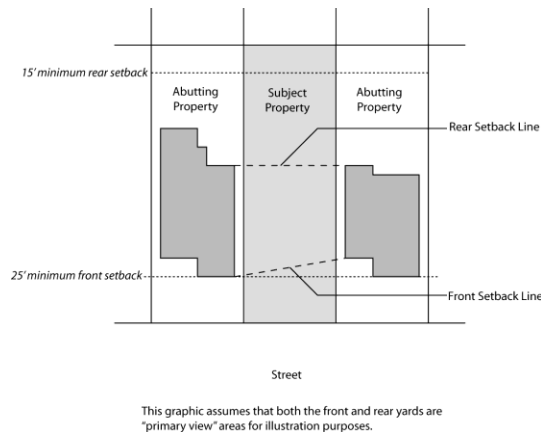
2. For the purposes of this Section, primary view means the following:

a. When a property has a downslope view, that view is the primary view, whether or not the property also has an upslope view.

b. When a property has an upslope view and no downslope view, the upslope view is the primary view.

c. Where the direction of the primary view is unclear or disputed, the Community Development Director must determine the primary view.

Diagram 10-1-606(D)
Front and Rear Setbacks in the Hillside Area



3. No portion of a structure may extend beyond the setback line unless a Hillside Development Permit is approved per Section 10-1-606(G). If the setback line is closer to the property line than the setback otherwise required for the R-1 Zone, the structure must observe the applicable minimum R-1 setback and encroachments per Table 10-1-603(F).

4. No main dwelling unit may be located entirely on the rear half of a lot unless a Hillside Development Permit is approved per Section 10-1-606(G).

E. FENCES, WALLS, HEDGES AND SCREENING.

1. Fences and walls in the front yard are limited to four (4) feet. Any portion of the fence or wall exceeding two (2) feet must utilize an open design. Open design is defined as follows: for any one (1)-foot section of fence or wall, at least 70 percent of the surface area is open and provides direct views through the fence or wall. Hedges are limited to four (4) feet in height.

2. For all other fences, walls, and hedges regardless of their height, a Minor or Major Fence Exception Permit is required prior to construction. Fences, walls, and hedges must comply with Sections 10-1-19200 and 10-1-19201, except that

a. A Minor Fence Exception Permit is required for fences and walls up to eight (8) feet in height and a Major Fence Exception Permit is required for fences and walls in excess of eight (8) feet.

b. A Minor Fence Exception Permit is subject to the same public noticing requirement and findings as the Major Fence Exception Permit.

3. All retaining walls facing downslope areas must be screened with vegetation.

4. Conditions may be placed on a Hillside Development Permit per Section 10-1-607 that require retaining walls to be shortened, broken into multiple shorter walls, stepped up or down a hillside, or otherwise modified.

5. Fences and walls may be required to be shorter by conditions placed upon a Hillside Development Permit.

6. Areas under enclosed structures must be enclosed or skirted with permanent walls. All such enclosure or skirt walls and all other structure walls facing downslope areas

must provide aesthetic relief through windows, variation in texture, or similar methods approved by the Director and must be screened by vegetation.

F. PARKING.

A minimum of four (4) off-street parking spaces must be provided. For houses with a gross floor area of 3,400 square feet or less, at least two (2) of the spaces must be located in a carport or garage. For houses with a gross floor area of more than 3,400 square feet, at least three of the spaces must be located in a carport or garage. Other required spaces may be located within a driveway, so long as the slope of the driveway area used for parking does not exceed five percent.

G. APPROVAL PROCESS.

Approval of a Hillside Development Permit per Section 10-1-607(D) is required prior to the issuance of grading or building permits for the main dwelling structure or any other structure when any of the following criteria is applicable. A Hillside Development Permit is required whether the criteria apply to construction of a new structure or to modifications that increase the square footage or height of an existing structure or otherwise alter the footprint, volume, mass, or dimensions of an existing structure.

1. The project involves the creation of a new building pad, cut or fill activity to expand an existing building pad, or any other grading activity, including but not limited to grading for structures, swimming pools, and expanded yard areas.

2. The structure extends beyond the front or rear yard setback lines per Subsection (D).

3. The height of the proposed structure to the top of the roof exceeds 16 feet.

4. The total gross square footage of all structures and spaces that are included in the floor area ratio calculation is greater than 3,000 square feet.

H. EXCEPTIONS.

Exceptions to the development standards required by Section 10-1-603 for the R-1 Zone may be granted through approval of a Hillside Development Permit. A Hillside Development Permit may not be used to grant exceptions in lieu of a Variance unless a Hillside Development Permit is otherwise required by Subsection (G). No exceptions may be granted through a Hillside Development Permit unless the following findings are made:

1. The exception is not detrimental to the public health, safety, or general welfare.

2. Granting of the exception does not constitute a grant of special privilege inconsistent with the limitations upon other projects and/or properties in the vicinity.

3. The exception does not permit or encourage development inconsistent with the character of existing development in the neighborhood.

4. There are special conditions or unique characteristics applicable to the subject property and/or the surrounding neighborhood due to the location in the hillside area that justify granting of the exception. Such conditions or characteristics may be related to topography, location, orientation, or other issues that do not generally apply to properties or neighborhoods located outside of the hillside area. [Formerly numbered Section 31-30; Amended by Ord. No. 3810, eff. 6/10/11; 3774, 3750; 3748, 3688, 3669, 3643, 3488, 3399, 3058, 2858, 2598, 2355, 2194.]

10-1-607: SINGLE FAMILY DEVELOPMENT PERMITS:

A. APPLICABILITY AND AUTHORITY.

1. This Section outlines the process requirements and findings for three types of special permits applicable to the single family residential zones. The permits discussed in this Section carry the same authority as those discussed in Article 19 of this Chapter, and are discussed here only for ease of reference.

2. The Director, or Planning Board or City Council if appealed, are authorized to attach conditions to the approval of any of the development permits discussed in this Section. Such conditions may include, but are not limited to, conditions requiring physical changes to the proposed project. All conditions imposed must be for the purpose of satisfying the required findings, mitigating environmental or other impacts of the project, and/or protecting the public health, safety, convenience, or welfare.

B. SINGLE FAMILY SPECIAL DEVELOPMENT PERMIT.

1. Intent and purpose. The intent and purpose of the Single Family Special Development Permit is to allow deviation from the single family development standards when specifically authorized in Section 10-1-603.

2. Process and public notice. Single Family Special Development Permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings; except that notice of the decision must be mailed to all property owners and occupants within a 300-foot radius of the property rather than a 1,000-foot radius.

3. Required findings. In lieu of the finding required by Section 10-1-1956, the Director, or Planning Board or Council if appealed, may not approve a Single Family Special Development Permit unless the following findings are made:

- a. The house is compatible with existing houses in the neighborhood and consistent with the prevailing neighborhood character.
- b. The house is reasonably consistent in scale and proportion to existing houses in the neighborhood.
- c. The house does not unnecessarily or unreasonably encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.
- d. The house does not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.

C. ACCESSORY STRUCTURE PERMIT.

1. Intent and purpose. The intent and purpose of the Accessory Structure Permit is to allow homeowners to construct accessory structures, including garages, in excess of prescribed limits to meet their space needs while ensuring that such structures do not have an adverse impact on neighboring properties through their appearance or use.

2. Process and public notice. Accessory Structure Permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings; except that notice of the decision must be mailed to all property owners and occupants within a 300-foot radius of the property rather than a 1,000-foot radius.

3. Required findings. In lieu of the finding required by Section 10-1-1956, the Director, or Planning Board or Council if appealed, may not approve an Accessory Structure Permit unless the following findings are made:

a. The accessory structure is compatible with the main dwelling structure on the lot and with existing houses in the neighborhood, and is consistent with the prevailing neighborhood character.

b. The accessory structure is consistent in scale and proportion to the main dwelling structure on the lot and to existing houses in the neighborhood.

c. The accessory structure does not unnecessarily or unreasonably encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.

d. The accessory structure does not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.

e. The proposed use and potential future uses of the accessory structure are compatible with the single family neighborhood atmosphere and would not negatively impact neighboring properties.

D. HILLSIDE DEVELOPMENT PERMIT.

1. Intent and purpose. The intent and purpose of the Hillside Development Permit is to protect, to the extent feasible, views in the hillside area. The Hillside Development Permit is intended to balance the reasonable development of property consistent with high land values in the hillside area with the values placed upon views of Burbank and surrounding communities from hillside properties.

2. Process and public notice. Hillside development permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings.

3. Required findings. In lieu of the finding required by Section 10-1-1956, the Director, or Planning Board or Council if appealed, may not approve a Hillside Development Permit unless the following findings are made:

a. The house and other structures are compatible with existing houses and undeveloped areas in the neighborhood and consistent with the prevailing neighborhood character.

b. The house and other structures are reasonably consistent in scale and proportion to existing houses in the neighborhood.

c. The house and other structures do not unnecessarily or unreasonably encroach upon neighboring properties or structures through their size, location, setbacks, or height.

d. The house and other structures do not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, or aesthetics.

e. The vehicle and pedestrian access to the house and other structures do not detrimentally impact traffic circulation and safety or pedestrian circulation and safety and are compatible with existing traffic circulation patterns in the surrounding neighborhood. This includes, but is not limited to: driveways and private roadways, access to public streets, safety features such as guardrails and other barriers, garages and other parking areas, and sidewalks and pedestrian paths.

f. The house and other structures are reasonably consistent with the natural topography of the surrounding hillside.

g. The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.

h. The house and other structures will not unnecessarily or unreasonably encroach upon the scenic views from neighboring properties, including both downslope and upslope views.

For the purpose of evaluating the last required finding, a view study must be submitted with all Hillside Development Permit applications documenting the impacts of the proposed structure(s) on views from adjacent properties. The view study must be prepared in a manner approved by the Director and contain all information and documentation deemed necessary by the Director for the purpose of analyzing view impacts.

The view impacts of the proposed project must be considered by the Director, or Planning Board or City Council if appealed, and may be used as a basis for requiring modifications to a project or denying a Hillside Development Permit due to inability to make the required finding. [Added by Ord. No. 2858; Formerly numbered Section 31-30.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05.]

10-1-608:

[Deleted by Ord. No. 3669, eff. 7/5/09; Added by Ord. No. 3190; Formerly numbered Section 31-30.2; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01.]

DIVISION 2

[Deleted by Ord. No. 3669, eff. 7/5/05]

DIVISION 3

[Reserved]

DIVISION 3.5. SECOND DWELLING UNITS IN SINGLE
FAMILY RESIDENTIAL ZONES

10-1-625.1: CITATION AND AUTHORITY:

This division is enacted under the authority granted by Chapter 4 (commencing with Section 65800) of Division 1 of Title 7 of the Government Code of the State of California. [Added by Ord. No. 3259, eff. 8/10/91.]

10-1-625.2: PURPOSE AND INTENT:

A. PURPOSE.

The City Council declares and finds all of the following:

1. That there is a tremendous unmet need for housing to shelter Burbank's residents who have a fixed or limited income, oftentimes elderly or handicapped.
2. That second dwelling units can provide relatively affordable housing for low- and moderate-income households, including the elderly on fixed incomes, without utilizing public subsidy.
3. That these units can provide a cost-effective means of serving development through the use of existing infrastructures.
4. That this type of housing can further encourage and promote the independence of the elderly and handicapped by either providing them with housing or by allowing individuals who provide health care or personal assistance to the elderly or handicapped to reside there.
5. That the family is an important and vital unit to life and that these second dwelling units can act as housing for immediate family or extended family members.
6. That these second dwelling units, as regulated in this Chapter, will not jeopardize the character and quality of single family neighborhoods.

B. INTENT.

By adoption of this division, it is acknowledged and determined this division will maintain and protect the essential characteristics of the single family residential zones so that the single family residential neighborhoods will not, through a proliferation of second dwelling units, unalterably become de facto multi-family residential zones while still establishing criteria set forth in Government Code Section 65852.2(a). [Added by Ord. No. 3259, eff. 8/10/91; Amended by Ord. No. 3622, eff. 6/28/03.]

10-1-625.3 AND 625.4: INTENTIONALLY OMITTED:

[Deleted by Ord. No. 3622, eff. 6/28/03; Added by Ord. No. 3259, eff. 8/10/91.]

10-1-625.5: DESIGN AND DEVELOPMENT STANDARDS FOR NEW CONSTRUCTION:

The design and construction of all newly constructed second dwelling units shall conform to the following standards:

A. A second dwelling unit shall consist of complete independent living facilities including permanent provision for living, sleeping, eating, cooking, and sanitation facilities, have a maximum floor area of 500 square feet, and be located on a lot developed with a single family residential dwelling unit.

B. A detached second dwelling unit shall be no more than one (1) story with a maximum height of 13 feet provided, however, that roof and architectural features may exceed the maximum height, and be up to 17 feet, if a 45 degree angle is sustained as shown in diagram No. 1 in Section 10-1-705 (A). A second dwelling unit may not be built over a detached garage or other detached accessory structure, or converted from any room(s) or space(s) over a detached garage or other detached accessory structure.

C. The design of an attached second unit shall be incorporated into the primary unit so in the event the use of the second dwelling is terminated, the use of the structure can be easily incorporated into the primary unit. If a separate entrance is provided, it shall be located on the side or rear of the structure. The additional entrance is prohibited from being located on the front of the single family residential structure. The second entrance shall be well lit and free of concealment from landscaping to assure safe entrance and exit by the occupants.

D. A second dwelling unit shall not be permitted on a lot with an area less than 6,000 square feet. Building height, yard, lot coverage, and architectural review criteria will be consistent with those of the applicable single family residential zone. The design and construction of each second dwelling unit shall conform to all applicable provisions of Title 9 Chapter 1 (Building) of this Code. The second dwelling unit shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the second dwelling unit will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

E. The exterior design of the second unit shall match that of the main dwelling in terms of building forms, materials, colors, exterior finishes, and style of doors and windows. The roof pitch of an attached second dwelling unit shall match the roof pitch of the main dwelling unit. The structure(s) shall retain the appearance of a single-family dwelling, and the second unit shall be integrated into the design of the existing units on the property.

F. The primary and secondary unit shall be connected to a common gravity-fed sewage disposal approved by the City. All utility connections and water hook-ups shall be metered through the primary residence. Address numbering criteria will be established by the City Planner.

G. There shall be at least one (1) parking space for each second dwelling unit. The parking requirement shall be in addition to parking spaces required in each single family residential zone as described in Article 6 (Residential Uses and Standards), Divisions 1 and 2 of this chapter. Such parking shall be graded and drained in accordance with standards prescribed by the Public Works Director and shall be paved with concrete or suitable asphaltic surfacing to prevent the emanation of dust. Parking required pursuant to this

subsection shall not be located within the required front yard or on the driveway area of the lot. [Added by Ord. No. 3259, eff. 8/10/91; Amended by Ord. No. 3810, eff. 6/10/11; 3622.]

10-1-625.6: DESIGN AND DEVELOPMENT STANDARDS FOR EXISTING SECOND DWELLING UNITS:

The design and construction of all second dwelling units constructed prior to June 13, 1983, shall conform to the following standards:

A. The second dwelling unit shall consist of complete independent living facilities including permanent provision for living, sleeping, eating, cooking, and sanitation facilities, have a maximum floor area of 800 square feet, and be located on a lot developed with a single family residential dwelling unit.

B. The second dwelling unit must have been constructed prior to June 13, 1983. The owners of non-conforming second dwelling units that were built prior to June 13, 1983, shall provide proof of the date of construction.

C. The second dwelling unit shall conform, or be made to conform to all applicable provisions of Title 9 Chapter 1 (Building), Article 2 (Dangerous or Substandard Buildings) of this Code.

D. There shall be at least one (1) parking space for each second dwelling unit. This parking requirement is in addition to parking spaces required in each single family residential zone as described in Article 6 (Residential Uses and Standards), Divisions 1 and 2 of this chapter. Such parking shall be graded and drained in accordance with standards prescribed by the Public Works Director and shall be paved with concrete or suitable asphaltic surfacing to prevent the emanation of dust. Parking required pursuant to the provisions of this subsection shall not be located within the required front yard or on the driveway area of the lot. The provisions of this subsection may be waived if a Variance is granted where the Planning Board finds that strict compliance is not feasible due to the size, shape, topography, or location of the property. [Added by Ord. No. 3259, eff. 8/10/91; Amended by Ord. No. 3622, eff. 6/28/03.]

10-1-625.7: ADDITIONAL REQUIREMENTS FOR SECOND DWELLING UNITS:

A. **SEPARATION FROM OTHER SECOND DWELLING UNITS.**
There shall be a minimum distance of 300 feet between the parcel on which the second unit is located, and the nearest other parcel containing a second unit. The minimum distance required by this section shall be measured from nearest property line to nearest property line. For purposes of determining whether a lot has a second dwelling unit, any lot which has been legally approved for a second dwelling unit under this Chapter will be deemed to have a second dwelling unit on it, whether or not such unit is in fact currently occupied or can be legally occupied.

B. **SEPARATION FROM R-1-H ZONED PROPERTY.**
There shall be a minimum distance of 20 feet between any second dwelling unit and the nearest lot line of any R-1-H zoned lot.

C. OWNERSHIP.

1. A second dwelling unit may be occupied as a residential dwelling unit only if and for so long as the owner of record of the parcel of land upon which the second dwelling unit is located occupies either the primary dwelling unit or the second dwelling unit as a primary residence. Current evidence of title satisfactory to the City Attorney shall be submitted with the initial application for a building permit and any application for extensions thereof in order to demonstrate current ownership and to assure that there are no restrictions or coverage on the parcel of land which would effectively preclude a second dwelling unit. An applicant shall produce at the request of the City Planner such records and documents as the City Planner may deem necessary to make a determination on the application. All applications shall be accompanied by a declaration stating that the information furnished in the application is true and correct.

2. A second dwelling unit is not intended, and shall not be offered for sale.

D. EXECUTION OF COVENANT RUNNING WITH THE LAND.

The owner of the parcel of land upon which the second dwelling unit is proposed to be located shall execute a covenant running with the land in a form satisfactory to and approved by the City Attorney and containing a reference to the deed under which the parcel of land was acquired by the present owner, which covenant will contain the conditions imposed pursuant to the provisions of this section, including the following provisions:

1. The second dwelling unit shall not be sold separately.

2. The second dwelling unit is restricted to the approved size.

3. The second dwelling unit shall be occupied and used as such only so long as either the primary dwelling unit or the second dwelling unit is occupied by the owner of record as his or her principal residence.

4. The second dwelling unit and the lot shall be developed and maintained in conformance with the development standards contained in Section 10-1-625.5 or 10-1-625.6, as appropriate.

Such covenant shall be recorded in the Official Records of the County of Los Angeles. The City Planner shall issue a release from such covenant when the City Planner determines that it is no longer applicable to the parcel of land. [Added by Ord. No. 3259, eff. 8/10/91; Amended by Ord. No. 3810, eff. 6/10/11; 3622.]

10-1-625.8: CERTIFICATE OF OWNER OCCUPANCY:

One year from the date of approval of a final building permit for a second dwelling unit, and every year thereafter, the applicant or subsequent property owner of the lot shall submit and certify, on forms provided by the City, that the property owner of record of the property continues to live on and occupy the property as his/her principal place of residence. It shall be a violation of this Code if the property owner or subsequent property owner fails to comply with this section. [Added by Ord. No. 3259, eff. 8/10/91; Amended by Ord. No. 3622, eff. 6/28/03.]

10-1-625.9: EXISTING CONDITIONAL USE PERMITS:

A. The provisions of Article 18 of this chapter (Nonconforming Land Uses and Structures) notwithstanding, this division shall not render invalid or nonconforming any second dwelling unit for which a Conditional Use Permit was granted prior to the effective date of Ordinance No. 3622.

B. All existing Conditional Use Permits for second dwelling units shall remain subject to conditions imposed thereon at the time such permits were granted, except that any condition that limits the occupants of a permitted second dwelling unit to certain named persons, or certain classes of persons, or which requires the permittees to identify the residents of the second dwelling unit to the City by name, or to obtain a new permit for the purpose of authorizing a new resident, shall no longer be applicable. [Added by Ord. No. 3259, eff. 8/10/91; Amended by Ord. No. 3622, eff. 6/28/03.]

10-1-625.10: PENALTIES AND ENFORCEMENT PRACTICES:

A. If any second dwelling unit is furnished, a rebuttable presumption which falls within the criteria of Section 603 of the Evidence California Code shall exist that the unit is being inhabited and lived in for the purposes of producing evidence to prove a violation of this section in court.

B. A violation of willfully providing a false statement or failing to provide a statement pursuant to Section 10-1-625.8 of this division shall be a misdemeanor.

C. A violation of any provision of this section shall be a misdemeanor resulting in a penalty of at least One Hundred Dollars (\$100) per day for a first violation; and a minimum penalty of Five Hundred Dollars (\$500) per day for a second violation; a minimum fine of One Thousand Dollars (\$1,000) per day for any further violation. This section does not preclude probation or any other terms or conditions of such. [Added by Ord. No. 3259, eff. 8/10/91.]

10-1-625.11: DETERMINATION ON SECOND DWELLING UNIT PERMIT; NOTICE AND APPEALS:

A. SUBMISSION OF APPLICATION.

Any person desiring to construct or establish a Second Dwelling Unit must submit the following materials to the Director:

1. A completed Second Dwelling Unit Permit application on forms established and provided by the Director.

2. Site plans, floor plans, elevations, pictures and such other materials as may be deemed necessary by the Director to make a determination on the application.

3. A copy of the Property Deed establishing the identity of the owner of record of the property.

4. The Second Dwelling Unit Permit application fee in accordance with the Burbank Fee Resolution.

An application shall not be deemed to be filed until such time as all necessary information has been provided to the Director.

B. DIRECTOR TO INVESTIGATE.

1. Upon receipt of an application for a second dwelling unit as described in Subsection (A), the Director shall investigate the application, and within 30 days shall make a determination that the application is or is not complete.

2. If the application is determined to be complete, then within 60 days of such determination the Director will issue a decision approving or disapproving the second dwelling unit.

(i) If the second dwelling unit permit is approved, the Director shall cause notice to be provided in accordance with Subsection (C) of this section.

(ii) If the second dwelling unit permit is denied, the Director shall inform the applicant in writing of the reason for denial, and that the decision may be appealed to the Planning Board in accordance with the procedures in Subsection (D) of this Section.

C. NOTICE OF DIRECTOR'S DECISION.

1. In the event the Director issues a decision in accordance with (B)(2)(i) or (ii), notice of the decision shall be mailed to the applicant and to all property owners and occupants within 300 feet of the property for which the Second Dwelling Unit Permit is being sought, and to all other parties requesting notice.

Said notice shall include a statement that unless an appeal of the decision is requested within 15 days of the date the notice was mailed, the decision will become final. The notice shall be in a format determined by the Director.

2. In the event no appeal of the Director's Decision is requested in accordance with Subsection (D) by 5:00 p.m. on the 15th day following mailing of the Notice of Director's Decision, the decision will become final without further action on the part of the City.

D. APPEAL OF DIRECTORS DECISION.

1. An appeal of the Director's decision regarding a Second Dwelling Unit Permit application may be filed pursuant to Section 10-1-1907.2 of this Code.

2. The appeal must state which specific standard(s) for second dwelling units as set forth in this Chapter the proposed second dwelling unit will violate.

3. In the event the applicant or other party submits a timely appeal, the Director will set a hearing before the Planning Board. In the event multiple requests for a hearing are received, all requests shall be consolidated into a single hearing.

4. The Director will give notice of the time and place of the appeal hearing including a general description of the location of the property involved at least ten (10) days prior to such hearing. Said notice shall be given by publication once in a newspaper of general circulation in the City. Notice shall also be given by mailing through the United States Mail to the applicant and appellants and to all property owners and occupants within 300 feet of the property for which the second dwelling unit permit is sought.

E. DECISION OF PLANNING BOARD.

After the public hearing, the Planning Board shall:

1. If the Director has approved the Second Dwelling Unit Permit, the Planning Board shall uphold the Director's decision if it finds that all development standards for second dwelling units set forth in this Code have been met.

2. If the Director has denied the Second Dwelling Unit Permit, the Planning Board shall overturn the Director's decision and grant the Second Dwelling Unit Permit if it finds that all of the development standards for second dwelling units set forth in this Code have been met.

3. If the Planning Board finds that one (1) or more of the development standards for second dwelling units set forth in this Code have not been met, it shall deny the Second Dwelling Unit Permit.

The decision shall be mailed to the Second Dwelling Unit Permit applicant and all appellants, and reported to the City Council according to procedures established by the Director and approved by the City Manager. The decision of the Planning Board shall be final unless appealed to, or set for a hearing by, the City Council.

F. APPEAL TO CITY COUNCIL.

1. An appeal of the Planning Board's decision regarding a Second Dwelling Unit Permit application may be filed pursuant to Section 10-1-1907.3 of this Code.

2. The appeal must state which specific standard(s) for second dwelling units as set forth in this Chapter the proposed second dwelling unit will violate.

3. Upon receipt of an appeal, the City Clerk shall set the appeal for a public hearing before the City Council.

4. Notice of the time and place of the hearing including a general description of the location of the property shall be given at least ten (10) days prior to such hearing. Said notice shall be given by publication once in a newspaper of general circulation in the City. Notice shall also be given by mailing through the United States Mail to the applicant and appellants and to all property owners and occupants within 300 feet of the property for which the second dwelling unit permit is sought.

G. APPROVALS AND APPEALS TO BE CONSIDERED MINISTERIALLY.

It is the intent of the City to process Second Dwelling Unit Permits through ministerial review. Second Unit Permits shall be approved by the Director, and upheld on appeal to the Planning Board and/or the City Council, if the Second Dwelling Permit application complies with all provisions of this Code pertaining to second dwelling units.

H. TERMINATION OF SECOND DWELLING UNIT PERMIT APPROVAL.

1. Purpose. Because there will be a limited number of second dwelling units permitted in any given neighborhood, and there may be competition for the available permits, it is the City's intention that permits be issued to persons interested and willing to proceed immediately with actual construction of a second dwelling unit.

2. Termination. A Second Dwelling Unit Permit issued under Subsection (B)(1) of this Section will expire and be of no further force if any of the following occurs:

(i) By 5:00 p.m. on the 90th day following the date of the second dwelling unit permit approval the applicant has not submitted (an) application(s) for the building permit(s) necessary for the construction or conversion of the second dwelling unit to the Building Official.

(ii) The building permit application or approved building permit expires in accordance with the procedures established by the Building Official. [Added by Ord. No. 3626, eff. 7/1/03; Amended by Ord. No. 3810 eff. 6/10/11; 3701.]

DIVISION 4. MULTIPLE FAMILY RESIDENTIAL ZONES

10-1-626: APPLICABILITY AND PURPOSE:

A. APPLICABILITY.

2. This Division provides use and development standards for the R-2, R-3, R-4, R-5, MDR-3, MDR-4, and MDR-5 multiple family residential zones.

2. The multiple family residential zones located in the Media District area contain "MD" prefixes to indicate their location in the Media District. The zones are otherwise identical to their non-Media District counterparts. The use and development standards as specified in this Division for the R-3, R-4, and R-5 zones apply in the same manner to the MDR-3, MDR-4, and MDR-5 zones, respectively.

B. PURPOSE.

1. The R-2 Low Density Residential Zone is intended for duplexes. Due to the low density of development allowed in the R-2 Zone, generally no more than two (2) units are permitted on a single lot. The R-2 Zone is intended to provide a low density alternative to multifamily housing in an atmosphere similar to a single family neighborhood. The R-2 Zone also acts as to buffer single family zones from higher density multiple family zones. With limited exceptions as allowed through the Conditional Use Permit process, non-residential uses are generally not appropriate in the R-2 Zone.

2. The R-3 Medium Density Residential Zone is intended for medium density multiple family developments, including rental and ownership options. Due to the low to middle range densities permitted, the R-3 Zone is intended to accommodate lower intensity multifamily development and can act to buffer single family residential neighborhoods from higher density multifamily development. With limited exceptions as allowed through the Conditional Use Permit process, non-residential uses are generally not appropriate in the R-3 Zone.

3. The R-4 High Density Residential Zone is intended for higher density multifamily development, including rental and ownership options. The zone is intended to accommodate a higher intensity of multifamily development. With limited exceptions as allowed through the Conditional Use Permit process, non-residential uses are generally not appropriate in the R-4 Zone.

4. The R-5 Very High Density Residential Zone is intended for higher density multifamily development, including rental and ownership options. The zone is intended to accommodate a higher intensity of multifamily development. With limited exceptions as allowed through the Conditional Use Permit process, non-residential uses are generally not appropriate in the R-5 Zone. The Land Use Element of the General Plan allows for very high densities through the Planned Development process. [Formerly numbered Section 31-42; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3676, eff. 8/16/05.]

10-1-627: USES IN THE MULTIPLE FAMILY RESIDENTIAL ZONES:

Uses are allowed in the R-2, R-3, and R-4 zones as follows:

A. PERMITTED USES.

Table 10-1-627 identifies the land uses allowed by this Zoning Ordinance, and the land use permit, if any, required to establish a use or expand an existing use.

B. PROHIBITED LAND USES.

Uses not expressly listed in Table 10-1-627, or uses listed as prohibited, may not be carried on in the multiple family residential zones except as lawful nonconforming uses, unless authorized pursuant to Section 10-1-503 or other provisions of this Code.

C. APPLICABLE SECTIONS.

Where the last column in the table includes a section number, the referenced section includes additional requirements related to the use; however, provisions in other sections of this Chapter may also apply.

Table 10-1-627
Permitted Uses in the Multiple Family Residential Zones

Symbol	Meaning
P	Use is permitted
AUP	Administrative use permit required (see Article 19, Division 4.1)
CUP	Conditional use permit required (see Article 19, Division 4)
--	Use is prohibited

Land Use	R-2	R-3	R-4/R-5	Specific Use Standards
Residential and Accessory Uses				
Single family dwelling	P	P	P	
Multiple family dwelling	P	P	P	
Garages and carports, private	P	P	P	
Accessory structures, including minor structures for which no building permit is required	P	P	P	
Accessory uses typical for a residential project including tennis courts and swimming pools	P	P	P	
Driveway in buffer area	CUP	CUP	CUP	10-1-628(F)
Home occupation	P	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	CUP	Article 6, Division 8
Small family day care home	P	P	P	
Large family day care home	AUP	AUP	AUP	Article 6, Division 13

Community care facility of six or fewer occupants	P	P	P	
Residential care home-retirement home	---	---	CUP	
Non-Residential Uses				
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	CUP	
Church or church school	CUP	CUP	CUP	
Convenience grocery store	CUP ⁽¹⁾	CUP ₍₁₎	CUP ₍₁₎	
Educational institution, public or private	CUP ₍₂₎	CUP ₍₂₎	CUP ₍₂₎	
Municipal fire station	CUP	CUP	CUP	
Municipal library	CUP	CUP	CUP	
Office, business or professional	---	CUP ⁽³⁾	---	
Office, medical	---	CUP ₍₄₎	CUP ₍₄₎	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	CUP	
Parking lot, off-street	CUP	CUP	CUP	Article 14, Division 4
Wireless Telecommunications Facility	(5)	(5)	(5)	10-1-1118
Public utility facility	CUP	CUP	CUP	
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	CUP ₍₅₎	CUP ₍₅₎	

Notes/Additional Requirements:

(1) Permitted only on properties with a land area of 8,000 square feet or less.

(2) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.

(3) Prohibited in R-2, R-3, R-4, R-5, MDR-4, and MDR-5 zones; CUP in MDR-3 zone when the parcel is adjacent to a Major or Secondary Arterial street, and the office use is conducted in an existing residential structure.

(4) Permitted only in conjunction with one or more residential units on the same lot where the medical practitioner resides on the premises.

(5) Permitted in accordance with Section 10-1-1118

(6) Stables and corrals are permitted only in the Rancho Area as defined in Section 10-1-630(A). [Amended by Ord. No. 3817, eff. 10/14/11; Formerly numbered Section 31-43; Renumbered by Ord. No. 3058; 3791; 3751; 3743, 3697, 676, 3535, 3139, 2727, 2386, 2371.]

10-1-628: PROPERTY DEVELOPMENT STANDARDS:

A. STANDARDS TABLE.

All land uses and structures and alterations to existing land uses and structures in the Multiple Family Residential Zones must be designed, constructed, and established in compliance with the requirements in Table 10-1-628(A) and all other applicable provisions of this Division and this Code. Where the last column in the table includes a section number, the referenced section includes additional requirements related to the development standard.

Table 10-1-628(A)
Development Standards in the Multiple Family Residential Zones

<i>Development Standards</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4/R-5</i>	<i>Additional or Related Standards</i>
Density/minimum gross square footage of lot area per dwelling unit ⁽¹⁾				
On lots less than 12,000 square feet	1 unit per 3,000 square feet	1 unit per 2,400 square feet	1 unit per 2,000 square feet	
On lots from 12,000 square feet to 23,999 square feet		1 unit per 2,000 square feet	1 unit per 1,400 square feet	
On lots 24,000 square feet or greater		1 unit per 1,600 square feet	1 unit per 1,000 square feet	
Lot size and dimensions				
Minimum lot area	6,000 square feet			
Minimum lot width	50 feet			
Minimum lot depth	100 feet			
Maximum lot coverage				
On lots located within 500 feet of single family zoned property	60%			10-1-628(C)
On lots located greater than 500 feet from single family zoned property	70%			10-1-628(C)
Maximum height ⁽²⁾				
On lots located within 500 feet of single family zoned property	27 feet to top plate 35 feet to top of roof and architectural features			10-1-628(D)
On lots located greater than 500 feet from single family zoned property	35 feet to top plate 50 feet to top of roof and architectural features			10-1-628(D)
Maximum number of stories for all structures				
On lots located within 500 feet of single family zoned property	2			10-1-628(D)
On lots located greater than 500 feet from single family zoned property	3			10-1-628(D)
Minimum and average yard setbacks				
Front minimum	25 feet		15 feet ⁽³⁾	10-1-628(E)
Front average	27 feet		17 feet ⁽³⁾	10-1-628(G)

Development Standards	R-2	R-3	R-4/R-5	Additional or Related Standards
Rear minimum		5 feet ⁽⁴⁾		10-1-628(E)
Rear average		7 feet ⁽⁴⁾		10-1-628(G)
Interior side minimum		5 feet ⁽⁴⁾		10-1-628(E)
Interior side average		7 feet ⁽⁴⁾		10-1-628(G)
Street-facing side minimum		10 feet ⁽⁴⁾		10-1-628(E)
Street-facing side average		12 feet ^{(4) (5)}		10-1-628(G)
Upper story setback for any yard abutting or adjacent to single family zoned property		5 additional feet ⁽⁶⁾		10-1-628(E) 10-1-628(G)
Buffer yard area for side or rear yard abutting or adjacent to single family zoned property		20 feet ⁽⁷⁾		10-1-628(F)
Maximum fence, wall, and hedge heights				
Within front yard or street-facing side yard setback area		4 feet ⁽⁸⁾ 6 feet (hedges only)		10-1-628(H)
Outside of front yard or street-facing side yard setback area (fences and walls only – does not apply to hedges)		8 feet 12 feet (hedges only)		10-1-628(H)
Parking				
Minimum number of off-street tenant parking spaces ⁽⁹⁾	2 spaces per unit	1.25 spaces per efficiency unit (studio unit that is 500 square feet or less) ⁽¹⁰⁾ 1.75 spaces per 1-bedroom unit or studio unit greater than 500 square feet ⁽¹⁰⁾ 2 spaces per unit with 2 or more bedrooms ⁽¹⁰⁾		10-1-628(I) 10-1-628(J)
Minimum number of off-street guest parking spaces ⁽¹¹⁾		1 guest space per 4 units (minimum 2 guest spaces required)		10-1-628(I) 10-1-628(J)
Minimum number of off-street bicycle parking spaces ⁽¹²⁾		5% of the total number of required off-street vehicle parking spaces, including guest spaces		10-1-628(I)
Open space and landscaping				
Minimum common open space area per unit		150 square feet ⁽¹³⁾		10-1-628(K)
Minimum private open space area per unit		50 square feet ⁽¹³⁾		10-1-628(K)
Minimum private open space dimensions		No dimension less than 5 feet		10-1-628(K)
Minimum percentage of lot area that must be landscaped		25	15	10-1-628(N)
Minimum percentage of common open space area that must be landscaped	20		15	10-1-628(N)

Notes/Additional Requirements:

1. For dwelling unit calculations, the number of allowed dwelling units is determined by rounding down to the nearest whole number even when the fraction is 0.5 or greater.
2. Unless otherwise permitted by state or federal law, the maximum top-of-roof height limits also apply to free-standing structures other than buildings including antennas, satellite dishes, and flagpoles.

3. The minimum and average front yard setbacks in the R-4 Zone are 25 feet and 27 feet respectively, if the R-4 lot abuts single family zoned property on either side.

4. The minimum and average setbacks for the rear, interior side, and street-facing side yards are each increased by one (1) foot for a three (3)-story project. Except that when the lot abuts an alley on the side or rear yard, the additional one (1) foot setback does not apply for that yard.

5. The minimum and average street-facing side yard setbacks are increased by five (5) feet when the street-facing side yard abuts the front yard of a single family zoned property (reversed corner lot).

6. The upper stories along each elevation that abuts or is adjacent to single family zoned property must provide a minimum setback and average setback that are five (5) feet greater than the minimum and average setbacks otherwise required for that elevation. Balconies may project no more than two (2) feet into the additional five (5) foot minimum setback.

7. Public alleys and streets may be included in the 20-foot buffer distance.

8. In the front yard any portion of the fence or wall exceeding three (3) feet in height must utilize an open design. Open design means that for each one (1) foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall.

9. The number of required parking spaces for all units, including fractions of a space, is added together before rounding. The sum total is subject to normal rounding procedures (where a fraction of 0.5 or greater counts as an additional space). For the purpose of determining the required number of parking spaces, bedrooms are those rooms within the unit identified as bedrooms by Section 10-1-203 and the Building Official.

10. Parking requirements are different for projects that are built as condominiums or converted from apartments to condominiums. See Section 10-1-629.

11. The number of guest parking spaces is calculated separately from the number of required tenant spaces and is subject to normal rounding procedures. No guest spaces are required for a multifamily project with three (3) or fewer dwelling units.

12. Bicycle parking is required only for projects with 20 or more dwelling units. The number of required spaces is subject to normal rounding procedures.

13. For projects with five (5) or fewer units, 200 square feet of private open space per unit may be provided in lieu of providing separate common and private open space. Such private open space must comply with private open space requirements and need not comply with common open space requirements.

B. APPLICABILITY OF STANDARDS.

1. All lots in the Multiple Family Residential Zones are subject to the requirements of this Division, whether improved with a single family dwelling, multiple family project, or non-residential use. Lots that are developed with more than one (1) dwelling unit, whether attached or detached, are considered multiple family projects.

2. If one (1) or more dwelling units are added to an existing single family dwelling and the single family structure is retained, all units on the lot, including the previously existing single family dwelling, must comply with all requirements of this Division.

3. If one (1) or more dwelling units are added to an existing multiple family project, the newly added units must comply with all requirements of this Division. Existing multiple family units that are retained that do not meet parking, open space, or other requirements of this Division may continue their non-conforming status so long as their non-conformity is not increased.

C. LOT COVERAGE:

1. Lot coverage is calculated using the footprint of all structures on the property except as exempted below, as measured from the exterior walls or the outside edge of supporting posts.

2. Cantilevered upper stories of up to four (4) feet are not included in the calculation of lot coverage. If the cantilevered portion is greater than four(4) feet or if the overhanging portion is supported from the ground, the entire cantilevered portion must be included in the calculation of lot coverage.

3. The following structures are not included in the calculation of lot coverage:
 - a. Non-enclosed porches, patios, porte-cocheres, and similar non-enclosed covered spaces and structures. A space is considered non-enclosed if it is completely open on at least two (2) sides from the ground or floor level to a height of six (6) feet, eight inches above the ground or floor level.
 - b. Fully subterranean parking garages where the top of the roof deck is located at least three (3) feet below the natural ground surface.
 - c. The top deck of semi-subterranean parking garages or portions thereof when the area is used to satisfy a common or private open space requirement, or when the area is open and not covered with structures and contiguous to a required open space area.

D. HEIGHT.

1. Height is measured from the grade of the lot. Grade is determined as defined in Section 10-1-203.
2. All features above the maximum top plate height specified in Table 10-1-628(A) may not exceed a roof pitch of 12 vertical inches for every 12 horizontal inches, where pitched. This standard is not intended to require hipped roofs.
3. Except as provided in Section 10-1-628(K) for enclosure of rooftop open space areas, parapets may not exceed 30 inches in height above the intersection of the roof surface and the wall. A flat roof surface must be no higher than the maximum top plate height specified in Table 10-1-628(A).
4. Where rooftop open space is provided per Section 10-1-628(K), the assumed top plate height of the structure is six (6) feet, eight (8) inches above the roof deck surface, unless a deck covering or the top plate of an enclosed space on the same level exceeds that height.
5. Chimneys may not extend more than 15 feet above the highest point of the roof. Roof-mounted equipment and screening are subject to the limitations of Section 10-1-1301.
6. A tower feature occupying no more than 10 percent of the gross floor area of the first story may exceed the maximum height specified for roof and architectural features by up to five (5) additional feet. This allowance does not apply if the property is abutting or adjacent to single family zoned property.
7. The number of stories is limited to the number specified in Table 10-1-628(A) and is determined as follows:
 - a. If the finished floor level of any story is more than five (5) feet above the natural abutting ground surface at any point as measured at a five (5)-foot horizontal distance out from the exterior wall surface, the space beneath that floor level is counted as a story.
 - b. Attics, lofts, and mezzanines that have a structural floor and meet the minimum room dimensions required by the Building Code must be counted as a story.
 - c. Subterranean garages and semi-subterranean garages as defined in Section 10-1-628(J) are not counted as a story. Above-grade garages as defined in Section 10-1-628(J) must be counted as a story.

E. YARD SETBACKS AND ENCROACHMENTS.

1. The minimum and average required setbacks for all yards are specified in Table 10-1-628(A).

2. Required yard areas or required setback areas, as those terms are used in this Division, are defined by the minimum required setback and not by the average required setback.

3. Encroachments are permitted into the required setback areas by various structural components and objects to the maximum distance specified in Table 10-1-628(E). Encroachment distances are measured from the minimum required setback line and not from the actual setback of the structure. All setbacks and encroachments are measured perpendicular to the property line.

Table 10-1-628(E)
Encroachments Into Yard Areas

Structure/Object	Setback Type	Maximum encroachment
Structural walls and posts supporting an overhead structure, including covered and uncovered portions of semi-subterranean garages; and any structural components or objects not specifically listed in this table	Front Rear Interior Side Street-Facing Side	none permitted none permitted none permitted none permitted
Fully subterranean parking garages or portions of covered parking garages where the top deck is 3 feet or more below the natural ground surface directly above	Front Rear Interior Side Street-Facing Side	up to property line up to property line up to property line up to property line
Eaves, canopies, cornices, sills, etc. not supported by posts	Front Rear Interior Side Street-Facing Side	4 feet up to within 40 inches of property line up to within 40 inches of property line 3 feet
Uncovered patios or porches at ground level	Front Rear Interior Side Street-Facing Side	5 feet up to property line up to property line 5 feet
Uncovered porches, patios, decks, and platforms above ground level but no higher than first floor level	Front Rear Interior Side Street-Facing Side	5 feet none permitted none permitted none permitted
Stairways, ramps, and landings leading up to grade level from subterranean and semi-subterranean parking garages or other below-grade spaces	Front Rear Interior Side Street-Facing Side	5 feet up to property line up to property line 5 feet

Structure/Object	Setback Type	Maximum encroachment
Stairways, ramps, and landings leading from grade level up to the first floor level	Front Rear Interior Side Street-Facing Side	up to property line up to property line up to property line up to property line
Stairways, ramps, and landings above first floor level; and balconies at or above first floor level	Front Rear Interior Side Street-Facing Side	4 feet none permitted none permitted 4 feet
Above-ground and in-ground swimming pools and spas (as measured to water line)	Front Rear Interior Side Street-Facing Side	none permitted none permitted none permitted none permitted
Permanent pool equipment, air conditioning equipment, water heaters, barbecues, play equipment, and similar accessory appliances and equipment ⁽¹⁾	Front Rear Interior Side Street-Facing Side	None permitted Up to within 40 inches of property line Up to within 40 inches of property line None permitted
Non-covered trash enclosures and equipment enclosures	Front Rear Interior Side Street-Facing Side	None permitted Up to within 40 inches of property line Up to within 40 inches of property line None permitted
Chimneys	Front Rear Interior Side Street-Facing Side	None permitted Up to within 40 inches of property line Up to within 40 inches of property line 2 feet

Notes/Additional Requirements:

1. Water heater and equipment closets that are built-in to a structure or enclosed by structural walls may not encroach into any required setback area.

4. No structures or objects may be constructed or placed in required yard areas except as expressly permitted by this Section or as specifically included in the definition of Landscaping in Burbank Municipal Code Section 10-1-203.

5. The following requirements apply to all required front yards and street-facing side yards:

a. Hardscape is limited to a driveway leading directly from a public street or alley to a garage or other required parking area using the shortest and most direct route feasible, pedestrian pathways, and encroachments specifically permitted in Table 10-1-628(E). For the purposes of this Subsection, hardscape means cement concrete, asphalt, brick, pavers, and similar impervious surfaces.

b. No vehicle may be parked in a required front yard or street-facing side yard.

c. All areas that are not hardscaped must be landscaped. Such landscaping must be properly maintained.

6. Reversed corner lots. The following requirements apply to any reversed corner lot that abuts a key lot when the key lot is located in any residential zone:

a. The minimum required street-facing side yard setback for the rear 30 feet of the reversed corner lot is equal to the minimum required front yard setback of the key lot.

b. Encroachments into the street-facing side yard setback for the rear 30 feet of the reversed corner lot are equal to the encroachments permitted into the front yard of the key lot.

c. As required by Table 10-1-628(A), the minimum and average setbacks for the balance of the street-facing side yard are increased by five (5) feet if the key lot is in a single family residential zone.

F. BUFFER AREA.

1. In addition to the setbacks specified in Table 10-1-628(E), a 20-foot buffer area must be provided in any side or rear yard that abuts or is adjacent to a single family zoned property. The buffer area is measured from the property line of the single family zoned property perpendicular to the single family property line, and includes public streets and alleys.

2. The 20-foot buffer distance establishes the minimum setback line for the yard or yards in which it is provided, unless the buffer setback line is closer to the multifamily property line than the otherwise required minimum setback. Except as provided in this Subsection, no encroachments by structures or objects are permitted into the buffer area.

3. Where the buffer line establishes the minimum setback per Subsection (2), the required average setback for that building elevation is two (2) feet greater than the required minimum setback line resulting from the buffer.

4. The portion of the required buffer area located on the multifamily property may be utilized to satisfy common or private open space requirements.

5. Surface hardscaping may only be provided within the portion of the buffer area located on the multifamily property as follows:

a. Where the buffer area abuts a public alley, the buffer area may be utilized as a driveway to provide vehicle access from the alley to an on-site garage or parking area using the shortest and most direct route feasible, subject to approval of a Conditional Use Permit per Table 10-1-627.

b. The buffer area may contain pedestrian pathways.

c. The buffer area may contain hardscaping associated with the provision of amenities in an open space area. For the purposes of this Subsection, hardscaping means cement concrete, asphalt, bricks, pavers, and similar impermeable surfaces.

6. The portion of the buffer area located on the multifamily property must be landscaped as provided in Section 10-1-628(N).

G. AVERAGE SETBACKS AND PLANE BREAKS.

1. In addition to observing the minimum setbacks specified in Table 10-1-628(A) and Section 10-1-628(E), the average setbacks specified in Table 10-1-628(A) must be provided on all stories of all building elevations; except that semi-subterranean garages and above-grade garages and carports are exempt from the average setback requirements and are required only to observe the minimum setback on each elevation.

2. Average setbacks are calculated separately for each story of each structure. Average setbacks are calculated by multiplying the length of each portion of the building elevation by its setback distance from the property line and dividing the sum of the products by the total length of the building elevation.

3. The plane breaks used to provide the average setback may be located at different locations and may be different dimensions on different stories. The average of the offset distances for all breaks on each elevation of each story must be no less than three (3) feet. No single break may be less than one (1) foot. Break dimensions are measured perpendicular to the plane of the wall.

4. No less than 25 percent and no more than 75 percent of the length of each elevation must be located behind the average setback plane for that elevation. Such percentage is measured separately for each story of each structure. Deviations from this requirement may be approved by the Community Development Director for the purpose of providing an average setback greater than that specified in Table 10-1-628(A).

5. Balconies, entries, and porches or portions thereof that are recessed into the building façade may be utilized to satisfy the average setback and break requirements. Balconies, entries, and porches or portions thereof that project from the building façade may not be utilized to satisfy the setback and break requirements.

6. For the purposes of calculating the average setback and breaks, openings on a building elevation are considered to have a setback equivalent to the greatest setback along the same elevation.

H. FENCES, WALLS, HEDGES AND OTHER YARD FEATURES.

1. Fences, walls, and hedges.

a. Fences, walls, and hedges may not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire, barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury.

b. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-628(A).

c. The height of a fence or wall is measured from the highest abutting finished ground surface of the property upon which the fence, wall, or hedge is located. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair-step design, but each stair-step section, as measured from the horizontal midpoint, may not exceed the maximum height.

d. Ornamentation on top of fences, walls, and hedges in the front yard may exceed the maximum allowed height for fences, walls, and hedges up to 18 inches above the actual height of the fence, wall, or hedge or up to a maximum height of five (5) feet, six (6) inches. All ornamentation features must be spaced a minimum of four (4) feet apart, as measured on center. In all other yards, ornamentation may not exceed the maximum allowed height for fences, walls, and hedges.

e. All fences, walls, and hedges must comply with the corner cutoff provisions of Section 10-1-1303.

f. Gates are subject to the same requirements as fences and walls.

g. Enforcement of nonconforming fences, walls, and hedges established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.

2. Other yard features.

a. Other yard features, including but not limited to natural features such as rocks; structural features such as arbors, pergolas, fountains, reflecting pools, art works, screens, light poles, benches, and other items included within the definition of Landscaping per Section 10-1-203 are limited to a maximum of two (2) features per street frontage within front and street-facing side yards. Such features must comply with the corner cutoff provisions of Section 10-1-1303.

b. Arbors, pergolas, and similar structures are limited to a maximum height of nine (9) feet, a maximum width of six (6) feet, and a maximum interior length of three (3) feet as measured from the highest abutting finished ground surface. Other yard features are limited to a maximum height of six (6) feet and a maximum width of six (6) feet.

c. Enforcement of nonconforming yard features established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.

3. Retaining walls.

a. Retaining walls located within front yard areas are limited to a maximum height of four (4) feet per wall.

b. Additional retaining walls must be setback a distance equivalent to the height of the retaining wall below as measured from the face of the retaining wall below.

c. Fences or walls that are placed on top of a retaining wall within a front yard are limited to a maximum height of four (4) feet from the abutting finished ground surface and require an additional two (2)-foot setback from the face of the retaining wall below.

d. Enforcement of nonconforming retaining walls established prior to October 17, 2008, may be subject to abeyance pursuant to Section 10-1-19202.

4. Exceptions. Exceptions from the requirements of this Subsection (H) (including the applicable requirements of Section 10-1-1303 referenced herein) may be granted through approval of a fence exception permit as follows.

a. Any exceptions from the requirements of this Subsection (H) to allow a fence, wall, hedge, or other yard feature with a height of six (6) feet or less as measured from the abutting finished ground surface may be granted through approval of a Minor Fence Exception Permit per Section 10-1-19200.

b. Any exceptions from the requirements of this Subsection (H) to allow a fence, wall, hedge, or other yard feature with a height of greater than six (6) feet as measured from the abutting finished ground surface may be granted through approval of a Major Fence Exception Permit per Section 10-1-19201.

I. PARKING AREAS AND DRIVEWAYS.

1. All parking spaces provided in a multifamily project, including tenant and guest spaces, must be full-size spaces no less than eight (8) feet, six (6) inches wide and no less than 18 feet deep.

2. When individual garages or carports are used to provide parking for individual units, a clear space no less than nine (9) feet, six (6) inches wide and 19 feet deep must be provided inside the individual garage or carport for each parking space.

3. All parking spaces must be clear of any encroachments including but not limited to structural features, shelves, cabinets, appliances, and equipment.

4. Tandem parking spaces may be used only on projects with three (3) or fewer dwelling units in the multiple family zones, other than in the R-2 Zone. When tandem

parking is used, at least one (1) tandem pair of parking spaces must be provided for each dwelling unit and each tandem pair must be assigned to a specific unit. Guest parking spaces may not be tandem spaces.

5. Unrestricted access must be provided to all guest spaces. Such spaces may not be located within a gated or secured area or otherwise have their access restricted.

6. In the R-2 Zone, all parking spaces must be provided in an enclosed garage or carport. In all other Multiple Family Residential Zones, parking spaces located within the rear half of the lot may be in a garage or carport, covered, or uncovered; all other parking spaces must be in an enclosed garage.

7. All parking areas that are not located within an enclosed garage must comply with the following:

a. Parking areas must be located, arranged, and/or screened with opaque material so that the parking spaces and backup areas are not visible from a public street.

b. Parking areas must be enclosed at the property lines by a masonry wall at least six (6) feet tall except where vehicle access occurs. This requirement may be waived by the Community Development Director upon a finding that providing a wall may endanger the public health, safety, or welfare.

8. All parking spaces, driveways, backup areas, and access aisles must be designed and constructed per the requirements of Article 14 of this Chapter.

9. Driveways must lead directly from a public street or alley to a required parking area using the shortest and most direct route feasible.

10. Driveways must be improved with cement concrete, asphalt, brick, pavers, or a similar permanent surface approved by the Traffic Engineer. Portions of driveways within required front and street-facing side yard areas and otherwise readily visible from a public right-of-way must be improved with decorative pavement, brick, pavers, or a similar decorative surface approved by the City Planner and Traffic Engineer.

11. Driveways must be no less than 10 feet wide and no more than 20 feet wide and must remain clear and unobstructed by any structural elements or vegetation.

12. A minimum backup turning radius of 24 feet must be provided for all parking spaces.

13. A curb cut for a driveway must be no wider than 18 feet. No more than one (1) curb cut may be provided on each street frontage for each 100 feet of lot frontage on that street, except that lots with less than 100 feet of frontage may provide one (1) curb cut. Curb cuts must be separated by at least 20 feet of uncut curb.

14. Bicycle parking areas must have as many bicycle racks as the required number of bicycle parking spaces. All bicycle parking spaces must be secured and weather protected by an overhead covering. Bicycle parking areas may not be located in a required side or rear yard setback area.

J. PARKING GARAGES.

1. To be considered a semi-subterranean garage, the top deck of a parking garage must be no higher than five (5) feet above the natural abutting ground surface at any point as measured at a five (5)-foot horizontal distance out from the exterior wall surface.

2. Parking garages that do not meet the height requirement for a semi-subterranean garage per Subsection (1) are considered above-grade garages.

3. Above-grade garages must be set back a minimum of 15 additional feet from the front lot line than the front elevation of non-garage structures, as measured from the portion of the front elevation set back furthest from the front lot line.

4. Portions of semi-subterranean parking garages that extend above the ground surface, and above-grade garages, on a front or street-facing side yard elevation must be completely screened by a landscaped berm, wall, or similar feature or combination of features approved by the Community Development Director. Any wall or similar feature must match or compliment the architectural style, materials, and colors of the building and is subject to the height limitations set forth in Table 10-1-628(A).

5. All garage openings on a front or street-facing side yard elevation must provide access to a common parking area for multiple units or must provide access to a common driveway that serves individual parking garages. Such openings may not serve a separate parking garage for an individual unit.

6. All subterranean, semi-subterranean, and above-ground garage openings may not exceed 20 feet in width. All garage openings on a front or street-facing side yard elevation must be separated by at least 20 feet.

K. OPEN SPACE.

1. Common and private open space areas must be located outside of a structure.

2. Open space areas must satisfy the minimum dimensions specified in Table 10-1-628(A).

3. Open space areas must have a slope no greater than five percent, but may be located on multiple levels.

4. If located on multiple levels, each level of open space must individually satisfy the minimum dimensions required by Table 10-1-628(A).

5. Front and street-facing side yards may not be utilized for common or private open space except that balconies used for private open space may encroach as permitted in Table 10-1-628(E). Interior side and rear yards may be utilized for common or private open space so long as all minimum dimensions are satisfied.

6. Rooftop areas, including the top of above-grade garages, may not be utilized to satisfy required common or private open space requirements. Such areas may be utilized to provide additional open space in excess of the minimum required, but only if the lot is not abutting or adjacent single family zoned property. If a rooftop area is utilized for non-required open space, such open space must be surrounded by an opaque parapet wall at least six (6) feet tall. Such parapet must be set back at least five (5) feet from the exterior

face of the building on each elevation, as measured from the portion of the elevation set back furthest from the property line.

7. Open space areas must be dedicated areas separate from vehicle access and parking areas and may not contain parking spaces or backup aisles, driveways, vehicle or bicycle parking areas, or other vehicle access features. Hardscaping is limited to pedestrian pathways and recreation areas.

8. Open space areas may not contain stairways or ramps except as necessary to provide access to the open space area or among different levels of the open space area.

9. Open space areas must be landscaped as provided in Section 10-1-628(N).

10. The following requirements apply to common open space areas:

a. Common open space areas must be at least 80 percent open to the sky with no overhanging structural elements, including balconies or canopies.

b. Common open space areas must be centrally located within a project and must be readily accessible to all tenants.

c. All hardscape must be brick, tile, or another permanent decorative material of similar quality.

d. All portions of all common open space areas must be useable for recreational purposes and accessible by pedestrians.

11. The following requirements apply to private open space areas:

a. Each individual private open space area must be enclosed by an opaque enclosure at least 42 inches tall.

b. Private open space must abut the unit that it serves and allow for direct access from the unit without having to enter a common area.

c. Private open space must be provided at a single location for each individual unit and may not be divided among two (2) or more locations. Except that when 200 square feet of private open space is provided for projects with five (5) or fewer units, the private open space may be divided among two (2) or more locations so long as no one location is smaller than 50 square feet and all locations meet the minimum dimensions specified in Table 10-1-628(A).

12. Each dwelling unit must have a direct view onto either a public street or on-site open space as follows:

a. Each dwelling unit must have one (1) or more windows (which, for the purposes of this section, includes other transparent materials such as sliding glass doors) with a combined minimum width of eight (8) feet located on the same wall in a primary common living area (not a bedroom).

b. Such windows may be located on a front or street-facing side yard elevation so as to provide a direct view of a public street. Alleys may not be used to satisfy this requirement.

c. If not located on a front or street-facing side yard elevation facing a public street, such windows must face and provide a direct view of on-site open space. Such open space must be the required common open space, or must be additional open space that satisfies all common open space requirements including but not limited to minimum dimensions and landscaping, and may not contain parking areas or driveways. For projects with five (5) or fewer units that provide 200 square feet of private open space per unit in lieu of common open space, the windows may face a private open space area so long as the

area provides minimum dimensions of 10 feet by 10 feet and is the private open space belonging to the same unit.

L. AMENITIES.

1. On-site amenities must be provided as follows. Any of the amenity items listed below may be substituted with a comparable amenity subject to approval by the Director.

a. For projects with 20 or fewer units, two (2) different items from the following: gazebo, spa, cooking/eating area with built-in barbeque, fountain, reflection pool, water garden, or permanently affixed outdoor seating.

b. For projects with 21 to 99 units, two (2) different items from Subsection (a) and one (1) additional item from the following: lap pool, handball court, volleyball area, activity room, sauna, or putting green.

c. For projects with 100 or more units, two (2) different items from Subsection (a), one (1) item from Subsection (b), and one (1) additional item from the following: swimming pool, tennis court, permanently equipped gym or exercise room with a minimum area of 300 square feet, or community room with a minimum area of 400 square feet.

2. All amenities must comply with the following requirements:

a. All amenities must be constructed of high quality materials and permanently installed as part of the project, unless otherwise approved by the Director.

b. All amenities must follow the same design concept and architecture as the structures.

c. All outdoor amenities must be located in a required common open space area or other common area that is readily accessible by all tenants. All indoor amenities must be readily accessible by all tenants.

d. If located within a required common open space area, the area occupied by the amenities may still be counted toward the required common open space area and minimum dimensions. Indoor amenities may not count toward the common open space requirement.

M. PEDESTRIAN CIRCULATION.

1. Pedestrian circulation paths must be provided to connect the following on-site and off-site locations and features:

- a. Common building/project entries and individual unit entries
- b. Parking garages and surface parking areas
- c. Bicycle parking areas
- d. Common open space areas including play areas, recreation areas, and sitting areas
- e. Trash collection areas
- f. Public sidewalks
- g. Transit stops

2. Pedestrian paths must have a minimum width of 48 inches and must be improved with a decorative paved surface, brick, pavers, or similar material approved by the Director.

3. If a pedestrian path is included on one (1) or more sides of a vehicle driveway, access aisle, or parking area, such path must be differentiated from the vehicle circulation area by a change in color, material, and/or texture.

N. LANDSCAPING.

Landscaping must be provided for every lot, yard, open space area, and parking area as provided in this Subsection. For the purposes of this Subsection, "landscape area" means an area covered with soil and planted with trees, shrubs, turf/lawn, or other vegetation, including permanent planters.

1. A minimum percentage of the area of each lot must be landscape area as specified in Table 10-1-628(A). All landscape area, including landscaping within common open space areas, may be used to satisfy this requirement.

2. When abutting or adjacent to a single family zoned property, a minimum percentage of each required front, rear, and side yard area must be landscape area. The minimum percentage of landscape area within each individual yard is the same as the minimum percentage of landscape area required for the lot.

3. All landscape areas must provide minimum soil depths as follows:

- a. 12 inches for areas planted with turf or ground cover
- b. 18 inches for planters and areas planted with shrubs and similar vegetation
- c. 3 feet for planters or areas planted with trees

4. Each planter and landscape area must have no dimension or diameter less than three (3) feet.

5. No more than 35 percent of the total landscape area of the lot as a whole may be occupied by turf or lawn. The remaining landscape area must be occupied by ground cover, vines, ornamental grasses, small shrubs, and/or seasonal flowering plants. All landscape area not occupied by turf or ground cover must be covered with mulch to reduce water evaporation and consumption and weed growth.

6. At least 50 percent of the total landscape area of the lot as a whole must be planted with shrubs at a rate of one (1) shrub per 10 square feet.

7. Trees must be provided in all yard areas as follows:

a. Trees must be provided at a rate of one (1) tree per 40 linear feet of yard space. The required number of trees must be calculated separately for each yard area, subject to normal rounding procedures.

b. Notwithstanding the number of trees required by Subsection a, no less than one (1) tree must be provided for each of the front, interior side, and street-facing side yards and no less than two (2) trees must be provided for the rear yard.

c. One (1) or more of the trees in both the front and street-facing side yards must be at least 48-inch box size; all other trees must be at least 24-inch box size.

d. Trees in front yard areas must be complementary to street trees as determined by the Park, Recreation and Community Services Director.

8. All required common open space areas must be landscaped as follows:

a. Common open space areas must have a minimum percentage of landscape area as specified in Table 10-1-628(A). If common open space is provided in more than one (1) area, each individual area must provide the minimum percentage of landscape area.

b. All landscape areas within common open space areas must be accessible by pedestrians.

c. Trees must be provided in common open space areas at a rate of one (1) tree per 600 square feet of open space area, subject to normal rounding procedures. If common

open space is provided in more than one (1) area, the number of required trees must be calculated using the collective total of common open space area. The required number of trees may be distributed among the common open space areas at the discretion of the applicant with Director approval.

d. At least one half (1/2) of the required trees must be at least 24-inch box size. All other trees must be at least 15-gallon size.

9. All buffer areas required by Section 10-1-628(F) must be landscaped as follows:

a. All non-hardscaped areas within the buffer area must be landscaped.

b. At least one 24-inch box tree must be provided every 15 linear feet along any lot line that abuts or is adjacent to a single family zoned property.

c. The landscaping and trees required within the buffer area may be counted toward satisfying the overall landscaping and tree requirements for the project. If the buffer area is used to satisfy a common open space requirement, the landscaping and trees may also be counted toward satisfying the common open space landscaping and tree requirements.

10. All outdoor driveways, surface parking areas, and vehicle circulation areas must be landscaped as follows:

a. On lots of 12,000 square feet or more, a landscape strip with a minimum width of three (3) feet must be provided between any driveway, parking area, or circulation area and any structure or property line, except where vehicle access occurs.

b. On lots of 12,000 square feet or more, at least one 24-inch box tree must be provided for every three (3) uncovered parking spaces. Such trees must be located within the three (3) foot landscaped strip required per Subsection (a).

c. All parking garages and carports must provide a landscape planter with a minimum size of three (3) feet by three (3) feet between every two (2) parking spaces or single-width door openings, or between every double-width door opening.

11. All planters must be constructed of permanent masonry or concrete construction. All planters must provide drainage directly into a drainage system.

12. All landscape areas must include a permanent fully automatic irrigation system. Irrigation systems must utilize water conservation design concepts including but not limited to low-flow sprinkler heads and bubblers, drip systems, zone separation, microclimate considerations, and moisture sensors. Irrigation systems may operate only between the hours of 9 p.m. and 6 a.m.

13. All landscaping, as planted pursuant to the approved landscaping plans, and related irrigation systems, must be properly maintained in reasonably good condition, and any weeds or decayed or dead vegetation shall be removed. This requirement applies at all times during the life of the project, and it shall be unlawful for any landowner, and person having leaving, occupying or having charge or possession of any property to violate this provision.

14. All landscaping must be designed and installed so as to reach maturity within five (5) years of the planting date.

15. Landscaping plans demonstrating compliance with the landscaping requirements must be prepared by a registered landscape architect. Final species selection and placement of all trees and vegetation must be approved by the Community Development Director and the Park, Recreation and Community Services Director.

O. TREE AND ARCHAEOLOGICAL SITE PRESERVATION.

1. Trees. Existing parkway and on-site trees must be preserved in place and incorporated into the design of a project to the extent feasible. Preserved on-site trees may be credited toward satisfaction of the landscaping requirements of this Section. If preserving trees in place is not feasible, the applicant must comply with one of the following options, subject to approval by the Community Development Director. These options must be applied independently to parkway and on-site trees.

a. Trees may be relocated to another location. Trees relocated on-site may be credited toward satisfaction of the landscaping requirements of this Section.

b. Trees may be removed and replaced with a similar tree. Such replacement trees may not be credited toward satisfaction of the landscape requirement and must be provided in addition to all trees otherwise required to satisfy the landscaping requirement.

c. Trees may be removed and the applicant must reimburse the City for the value of all removed trees per Sections 7-4-105 and 7-4-111 of this Code. All such payments made to the City must be placed in a special fund devoted to tree replacement. Such payment may not be credited toward satisfaction of the landscape requirement.

2. Archaeological sites. If, during demolition or construction activities, unique archaeological resources as defined in California Public Resources Code Section 21083.2 are discovered, all demolition and/or construction activity must be halted for a period of time not to exceed two (2) weeks. While work is halted, a qualified archaeologist must examine the resource and determine the appropriate measures necessary to study or remove the resource to another site. The project applicant must comply with all reasonable mitigation measures recommended by the qualified archaeologist.

P. BUILDING ORIENTATION AND DESIGN.

1. All structures must be oriented to the street by providing entries, windows, architectural features, and/or balconies on front and street-facing side yard elevations.

2. All elevations must provide façade treatment in a manner that provides variation in heights, volumes, entries, materials, colors, architectural features, and/or architectural style elements.

3. Any architectural element, material, and/or color used on one (1) façade of a building must be used equally on all façades. Transitions or changes in materials or colors and breaks in architectural style elements may not occur at building corners.

4. All architectural elements and features used to create articulation must be consistent in architectural style and materials.

5. Semi-subterranean and above-grade parking garages must be designed to serve as the architectural base for the building through the alignment of architectural elements and axes, continued façade treatment, and use of complementary colors and materials.

Q. MATERIALS AND COLORS.

1. A minimum of two (2) colors must be used on the primary structure.
2. All building facades must utilize the same palette of materials in the same or similar proportions. If the front façade utilizes more than one (1) material, the same combination of materials must be utilized on all facades.
3. When more than one (1) palette of materials is used for multiple structures within a single project, the primary materials must be the same for all structures; only secondary materials may be changed among the structures. This requirement may be waived by the Community Development Director for projects with freestanding units or townhouses where architectural variety among structures is deemed appropriate by the Director.
4. Glass curtain walls and other transparent or reflective materials may not be utilized for building façades.

R. WINDOWS AND AWNINGS.

1. Frames, sills, or similar architectural elements must be used around all windows on all elevations when appropriate to the architectural style. All frames, sills, and similar elements must be consistent with or complementary to the architectural style.
2. The following requirements apply to all awnings, if used:
 - a. Awnings may not extend downward to cover more than 25 percent of a window face.
 - b. Bubble awnings are prohibited.
 - c. Vinyl, plastic, and ribbed metal awnings are prohibited.

S. ROOF DESIGN AND MASSING.

1. Changes in roof heights and shapes must be used to avoid long flat walls and break up the mass of the structure.
2. Roof mansards and parapets, when used, must continue around all building elevations, whether or not they are visible from the street.
3. Roof materials and colors must complement the building materials and colors and the architectural style.
4. Parapets, when used, must provide visual interest and variety in a manner consistent with the architectural style and façade of the building.
5. All roof mounted equipment must be screened from view through the use of architectural screening systems that are visually integrated into the building design and consistent with the architectural style, materials, and color.

T. ENTRIES AND PORCHES.

1. All unit and project entries must serve as a primary design element through changes in building footprint, elevation, volume, and/or landscaping.

2. No unit or project entry may open directly onto a parking area, driveway, or other vehicle circulation area. This requirement is not intended to prohibit secondary entries that provide access from a private garage that serves the individual unit.

3. The maximum permitted height for any porch enclosure is 42 inches, or 36 inches if the porch or a portion thereof projects into the required front or street-facing side yard setback area.

U. BALCONIES AND STAIRWAYS.

1. Balconies must have architectural elements that are consistent with the architectural style of the structure.

2. Balconies must be enclosed in a manner consistent with the architectural style.

3. Balconies must be a minimum of three (3) feet deep. When used to satisfy the private open space requirement, balconies must be a minimum of five (5) feet deep.

4. Balconies on elevations that abut or are adjacent to single family zoned properties must be enclosed by a solid opaque wall no less than five (5) feet tall.

5. Exterior stairways must be treated as a design element that is integral to the main structure and consistent with the architectural style.

V. TRASH COLLECTION AREAS.

1. All multifamily projects must provide a designated on-site trash and recycling collection area.

2. Projects with four (4) or more dwelling units must provide a designated on-site trash and recycling collection area no smaller than seven (7) feet by eight (8) feet, unless a smaller size is approved by the Public Works Director. When located outside of a structure, the collection area must be enclosed on three (3) sides by a masonry wall no less than six (6) feet tall.

3. The materials, colors, and finish of trash enclosures located outside of a structure must be consistent with or complementary to the architectural style of the building.

W. LIGHTING.

1. Lighting must be provided in all common areas including, but not limited to: parking garages, outdoor parking areas, common open space areas, pedestrian paths, stairways, and hallways.

2. Outdoor lighting fixtures must be positioned and directed so as not to shine or cause glare onto adjacent properties or public rights-of-way.

3. Free-standing lighting fixtures must be no taller than eight (8) feet as measured from the abutting ground surface or floor level.

4. All lighting fixtures must be consistent with the architectural style of the building.

X. MASTER TELEVISION CABLE SYSTEM.

A master television cable system with one (1) or more television cable outlets in each individual unit must be provided. [Amended by Ord. No. 3750, eff. 10/17/08; Formerly numbered Section 31-44; 3730; 3690, 3676, 3535, 3255, 3139, 3058, 2725, 2640, 2616, 2387, 2386, 2371.]

10-1-629: STANDARDS FOR CONDOMINIUMS:

A. APPLICABILITY.

In addition to the development standards specified in Section 10-1-628, the following additional requirements apply to structures that are built as condominiums and structures that are converted to condominiums. Apartments that do not comply with these requirements may not be converted to condominiums. Additional requirements for condominium conversions are specified in Division 10 of this Article.

B. PARKING.

A minimum of two (2) off-street parking spaces must be provided for each dwelling unit, regardless of the number of bedrooms. Such parking must be in addition to guest parking required per Table 10-1-628(A). All parking spaces must be located in a garage or carport except guest spaces.

C. STORAGE.

A minimum of 60 cubic feet of on-site individual secure storage space must be provided for each dwelling unit. Such storage space must be located outside of the dwelling unit. If located in a parking garage, such storage area must be accessible without having to move any vehicles out of parking spaces other than the vehicle belonging to the same tenant as the storage space. [Added by Ord. No. 3139; Formerly numbered Section 31-44.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3676, eff. 8/16/05.]

10-1-630: ADDITIONAL REQUIREMENTS FOR THE RANCHO AREA:

A. APPLICABILITY.

1. In addition to the development standards specified in Sections 10-1-628 and 10-1-629, the requirements of this Section apply to all projects in the Rancho Area.

2. For the purposes of this Section, the Rancho Area is defined as depicted in Diagram 10-1-630(A) and described as the area bounded by Keystone Street, Alameda Avenue, Main Street, Valencia Avenue, Victory Boulevard, City boundary, Keystone Street extended, Riverside Drive, Bob Hope Drive, City boundary, California Street, Ventura Freeway, Bob Hope Drive, Riverside Drive, and Keystone Street.

5. Eucalyptus
6. Cactus and succulents

D. RANCHO REVIEW BOARD.

All Development Review applications for projects in the Rancho Area are subject to review for compliance with the requirements of this Section by the Rancho Review Board as established in Section 10-1-2453. [Formerly numbered Section 31-45; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3676, eff. 8/16/05.]

10-1-631: NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

A. DEVELOPMENT REVIEW APPROVAL.

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected on any multiple family lot, nor shall any permits be issued until a Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition and grading permits. In addition to other requirements of Development Review, the Director is further authorized to require modifications to any project in a multifamily residential zone as a condition of Development Review approval, or to deny a Development Review application, if the Director finds and determines either of the following:

1. The project would conflict with, or would have an adverse impact on, the existing or intended neighborhood character; or
2. The project would have an adverse impact on nearby single family residential structures located in any single family residential zone.

B. PROJECT FEATURES.

In making the determination authorized by Subsection (A), the Director shall consider specific project features, including but not limited to the following:

1. Building height
2. Building size and massing
3. Proportions of elements within a building and buildings within a project
4. Roof style and pitch
5. Parking and circulation areas and vehicle access points
6. Building orientation including design and location of entries, windows, and balconies and their relationship to the street and neighboring properties
7. Pedestrian access points, entry locations, and circulation
8. Location and orientation of common and private open space areas

C. APPEALS.

Any Development Review decision, which includes the determination or lack of determination by the Director pursuant to this Section, may be appealed per the procedures set forth in Division 2 of Article 19 of this Chapter. [Formerly numbered Section 31-46; Amended by Ord. No. 3676, eff. 8/16/05; 3633, 3491, 3488, 3267, 3200, 3181, 3058, 2598, 2194.]

10-1-632:

[Formerly numbered Section 31-47; Renumbered by Ord. No. 3058; Amended by Ord. No. 3676, eff. 6/18/05; 3587, 3190, 3017, 2194, 2193; Deleted by Ord. No. 3693, eff. 5/6/06.]

DIVISION 5. AFFORDABLE HOUSING INCENTIVES

10-1-633: DEFINITIONS:

The following words or phrases as used in this Division shall have the following meanings. These definitions shall apply only within this Division and shall not apply to other Divisions of this Chapter. In the event of a conflict between the definitions in this Section and the definitions of Section 10-1-203, these definitions shall prevail.

ACCESSIBLE HOUSING UNIT: Means for purposes of receiving an inclusionary housing credit, an accessible housing unit must be a fully built handicapped unit during time of construction with standards in excess of California Building Code Chapter 11A requirements.

ADAPTIVE REUSE: Means conversion of all or part of a previously non-residential structure to residential use. For example, conversion of second story office space in the downtown to residential lofts would be Adaptive Reuse.

AFFORDABLE HOUSING FUND: Means a separate fund for deposit of In-Lieu Housing Fees, and other sources as applicable, as defined under Section 10-1-690.1 of this Division.

AFFORDABLE OWNERSHIP HOUSING COST: Means the Total Housing Costs paid by a qualifying household, which shall not exceed a specified fraction of their gross income as specified in California Health and Safety Code Section 50052.5.

AFFORDABLE RENT: Means the Total Housing Costs, including a reasonable utility allowance, paid by a qualifying household, which shall not exceed a specified fraction of their gross income as specified in California Health and Safety Code Section 50053. Affordable Unit means a dwelling unit within a Housing Development which will be reserved for, and restricted to, Very Low Income Households or Low Income Households at an Affordable Rent or is reserved for sale to a moderate income household at an Affordable Purchase Price.

AFFORDABLE PURCHASE PRICE: Means the purchase price for an Affordable Unit for Moderate Income Households that is calculated so that the total monthly housing cost does not exceed the Affordable Ownership Housing Cost.

AFFORDABLE UNIT: Means a dwelling unit within a Housing Development which will be reserved for sale or rent to, and is made available at an Affordable Rent or Affordable Ownership Cost to, very low, low, or moderate-income households, or is a unit in a Senior Citizen Housing Development.

AREA MEDIAN INCOME: Means area median income for Los Angeles County as published pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

CHILD CARE FACILITY: Means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

CONDOMINIUM PROJECT: Means a Housing Development as defined in subdivision (f) of Section 1351 of the Civil Code, but not including the conversion of existing rental apartments to condominiums.

DENSITY BONUS: Means a density increase over the Maximum residential density, in the manner set forth in Section 10-1-635.

DENSITY BONUS HOUSING AGREEMENT: Means a recorded agreement between a developer and the City as described in Section 10-1-642 of this Division to ensure that the requirements of this Division are satisfied. The agreement, among other things, shall establish the number of Affordable Units, their size, location of the Affordable Units within the Housing Development, terms and conditions of affordability, and production schedule.

DENSITY BONUS UNITS: Means those residential units granted pursuant to the provisions of this Division which exceed the otherwise allowable maximum residential density for the development site.

DEVELOPMENT AGREEMENT: Means an agreement entered into between the city and a developer pursuant to Section 65864 of the California Government Code, and under the authority vested in the Council pursuant to Section 10-1-1997 of the Burbank Municipal Code.

DEVELOPMENT STANDARD: Means any site or construction condition that applies to a Housing Development pursuant to this Chapter. "Site and construction conditions" means standards that specify, control, or regulate the physical development of a site and buildings on the site in a Housing Development.

DIRECTOR: Means the Director of the Community Development Department of the City, or the designee or designees of such person, or such other persons as may be designated by the City Manager.

DISCRETIONARY APPROVAL: Means any entitlement or approval as in Title 10 of the Municipal Code, including but not limited to a Conditional Use Permit, Variance, and subdivision map. Housing Development means one (1) or more groups of projects for residential units constructed or to be constructed in the City for sale or for rent. For the purposes of this Division, "HOUSING DEVELOPMENT" also includes a subdivision, planned unit development, or Condominium Project, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of residential units.

HOUSEHOLD INCOME LEVELS: VERY LOW, LOW AND MODERATE: Means households whose gross incomes do not exceed the qualifying very low, low and moderate income limits established in Section 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate of median income in the Los Angeles-Long Beach Primary Metropolitan Statistical Area, and as adjusted by the State Department of Housing and Community Development (HCD) . Pursuant to Code Sections 6926, 6928 and 6930, these income limits are equivalent to the following:

Very low income household: 50 percent of area median income, adjusted for household size appropriate for the unit and other factors determined by State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

Low income household: 80 percent of area median income, adjusted for household size appropriate for the unit and other factors determined by State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

Moderate income households: 120 percent of area median income adjusted for household size appropriate for the unit and other factors determined by State Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

HOUSING DEVELOPMENT: Means one (1) or more groups of projects for residential units constructed or to be constructed in the City for sale or for rent. For the purposes of this Division, **HOUSING DEVELOPMENT** also includes a subdivision, planned unit development, or Condominium Project, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of residential units.

HOUSING UNITS: Shall mean the total number of residential units in a Housing Development, including the Affordable Units and the Market Rate Units.

INCENTIVES or concessions are defined in Section 10-1-640.

INCLUSIONARY HOUSING AGREEMENT: Means a legally binding agreement between a developer and the city which sets forth those provisions necessary to ensure fulfillment of the requirements of this Division, whether through the provision of Inclusionary Units or through an alternative method.

INCLUSIONARY UNIT: Means a dwelling unit offered for rent or sale to Very Low, Low or Moderate Income households, at an Affordable Rent or Affordable Ownership Housing cost, pursuant to this Division.

IN-LIEU FEE: Means a fee paid to the City by a developer subject to this Chapter in-lieu of providing the required Inclusionary Units.

MARKET RATE UNIT/S: Means all unit/s within a Housing Development excluding the Affordable Units.

MAXIMUM RESIDENTIAL DENSITY: Means the maximum number of residential units permitted by this Chapter and the Land Use Element of the General Plan on the date an application for a Density Bonus and Incentives or Concessions is deemed complete, prior to the application of the Density Bonus pursuant to this Division.

OFF-SITE UNIT: Means an Inclusionary Unit that will be built separately or at a different location(s) than the main Residential Development, in accordance with the standards.

ON-SITE UNIT: Means an Inclusionary Unit that will be built as part of the main Residential Development, in accordance with the standards.

QUALIFYING RESIDENT: Means senior citizens or other persons eligible to reside in a Senior Citizen Housing Development.

PLANNED DEVELOPMENT: Means a development (other than a community apartment project, a Condominium Project, or a stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1 of the California Civil Code. As used in this Division, Planned Development is not development created by Planned Development zoning pursuant to Division 10 of Article 19 of this Chapter.

RESIDENTIAL DEVELOPMENT: Refers to projects involving new construction of residential dwelling units, inclusive of mixed use developments, Adaptive Reuse, and Substantial Rehabilitation involving a net increase in dwelling units, subject to the provisions of this Division.

SENIOR CITIZEN HOUSING DEVELOPMENT: Means a Housing Development as defined in California Civil Code Section 51.3.

SUBSTANTIAL REHABILITATION: Means the rehabilitation of a dwelling unit(s) including correction of code violations, Title 24 upgrades, seismic rehabilitation (where appropriate), and accessibility upgrades such that the unit is returned to the City's housing supply as decent, safe and sanitary housing. The minimum cost threshold for substantial rehabilitation is \$40,000 per unit, as that amount may be adjusted for inflation pursuant to the Inclusionary Housing Implementing Regulations.

TOTAL HOUSING COSTS: Means the total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and utilities. For an ownership unit, total housing costs include the mortgage payment (principal and interest), utilities, homeowner's association dues, taxes mortgage insurance and any other related assessments. [Newly Added by Ord. No. 3693, eff. 5/6/06; Repeated by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-48; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-634: PURPOSE AND INTENT – DENSITY BONUS:

In accordance with Chapter 4.3 Section 65915 *et seq.* of the California Government Code, this Division is intended to provide incentives for the production of housing for very low, low income, and senior households and for the production of for-sale housing for moderate income households residing in condominium and Planned Development projects. In enacting this Division, it is also the intent of the City of Burbank to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the City's housing element. Section 10-1-633 through 10-1-643 shall hereafter be referred to as the "Density Bonus Ordinance". [Newly Added by Ord. No. 3693, eff. 5/6/06; Formerly numbered Section 31-49; Amended by Ord. No. 3535, eff. 1/29/00; 3439, 3139, 3058, 2836, 2727, 2386, 2371; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-635: CALCULATION OF DENSITY BONUS AND NUMBER OF INCENTIVES AND CONCESSIONS:

A. The City shall grant a Density Bonus to a developer of a Housing Development of five (5) or more dwelling units who seeks a Density Bonus in accordance with this Division and agrees to construct at least one of the following:

- 1. Ten percent of the total units of the Housing Development as Affordable Units affordable to low income households; or
- 2. Five percent of the total units of the Housing Development as Affordable Units affordable to very low income households; or
- 3. A Senior Citizen Housing Development; or
- 4. Ten percent of the total units of a newly constructed Condominium Project or Planned Development as Affordable Units which are affordable to moderate income households.

B. In determining the number of Density Bonus Units to be granted pursuant to Subsection (A) of this Section, the maximum residential density for the site shall be multiplied by 0.20 for Subsections (1), (2), and (3) and 0.05 for Subsection (4), unless a lesser number is selected by the developer.

- 1. For each one percent increase above ten percent in the percentage of units affordable to low income households, the Density Bonus shall be increased by 1.5 percent up to a maximum of 35 percent.
- 2. For each one percent increase above five percent in the percentage of units affordable to very low income households, the Density Bonus shall be increased by 2.5 percent up to a maximum of 35 percent.
- 3. For each one percent increase above ten percent of the percentage of units affordable to moderate-income households, the Density Bonus shall be increased by one percent up to a maximum of 35 percent.

When calculating the number of permitted Density Bonus Units, any calculations resulting in fractional units shall be rounded to the next larger integer.

C. The Density Bonus Units shall not be included when determining the number of Affordable Units required to qualify for a Density Bonus. When calculating the required number of Affordable Units, any calculations resulting in fractional units shall be rounded to the next larger integer.

D. The developer may request a lesser Density Bonus than the project is entitled to, but no reduction will be permitted in the number of required Affordable Units pursuant to Subsection (A) above. Regardless of the number of Affordable Units, no Housing Development may be entitled to a Density Bonus of more than 35 percent.

E. Subject to the findings included in Section 10-1-641, when a developer seeks a Density Bonus, the City shall grant incentives or concessions listed in Section 10-1-641 as follows:

1. One (1) incentive or concession for projects that include at least ten percent of the total units for low income households, at least five percent for very low income households, or at least ten percent for persons and families of moderate income in a condominium or Planned Development.

2. Two (2) incentives or concessions for projects that include at least 20 percent of the total units for low income households, at least ten percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or Planned Development.

3. Three (3) incentives or concessions for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or Planned Development.

F. A Housing Development may be entitled to more than one (1) Density Bonus, but in no event can the total Density Bonus for any Housing Development exceed 35 percent. For example, if a Developer provides ten percent of the Housing Units for Low Income Households and an additional five percent Very Low Income, Developer shall be entitled to two (2) Density Bonuses. Multiple Density Bonuses will only be allowed where the affordable units are separately and independently counted; however, in any event, the maximum Density Bonus for any Housing Development is 35 percent.

G. In accordance with state law, neither the granting of a concession or incentive nor the granting of a Density Bonus shall be interpreted, in and of itself, to require a General Plan Amendment, zoning change, or other discretionary approval.

H. If the Director makes any of the findings set forth in Government Code Section 65915 (d)(1), the written findings shall be provided to the developer, who may within 20 days of the postmarked findings, appeal the decision to the City Council by providing a written request to the Director. [Newly Added by Ord. No. 3693, eff. 5/6/06; Formerly numbered Section 31-50; Amended by Ord. No. 3535, eff. 1/29/00; 3439, 3255, 3150, 3139, 3058, 2725, 2640, 2616, 2529, 2387, 2386, 2371; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-636: LAND DONATION:

A. When a developer of a Housing Development of five (5) or more dwelling units donates land to the City as provided for in this Section, the developer shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable Zoning Ordinance and land use element of the general plan for the entire development. For each one percent increase above the minimum ten percent land donation described in Subsection (B)(2) of this Section, the Density Bonus shall be increased by one percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density allowed by Section 10-1-635, up to a maximum combined Density Bonus of 35 percent if a developer seeks both the increase required pursuant to this Section and Section 10-1-635. When calculating the number of permitted Density Bonus Units, any calculations resulting in fractional units shall be rounded to the next larger integer.

B. A Housing Development shall be eligible for the Density Bonus described in this Section if the City makes all of the following findings:

1. The developer will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or other development application for the Housing Development.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.

3. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as very low income housing, and will, at the time of transfer or at the time of construction, be served by adequate public facilities and infrastructure at no cost to the City. The land must also be appropriately zoned and have the appropriate Development Standards to make the development of the very low income units feasible. No later than the date of approval of the final subdivision map, parcel map, or other development application for the Housing Development, the transferred land will have all of the permits and approvals, other than building permits, necessary for the development of the very low income Housing Units on the transferred land.

4. The transferred land and the very low income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this Division, which restriction will be recorded on the property at the time of dedication.

5. The land will be transferred to the City, the Redevelopment Agency, or to a housing developer approved by the City.

C. Denial of requested land donations can be appealed in accordance with Section 10-1-635(H). [Newly Added by Ord. No. 3693, eff. 5/6/06; Added by Ord. No. 3139; Formerly numbered Section 31-50.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-637: CHILD CARE FACILITIES:

A. When a developer proposes to construct a Housing Development that includes Affordable Units as specified in Section 10-1-635 and includes a Child Care Facility that will be located on the premises of, as part of, or adjacent to the Housing Development, the City shall grant either of the following if requested by the developer:

- 1. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility.
- 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility.

B. A Housing Development shall be eligible for the Density Bonus or concession described in this Section if the City makes all of the following findings:

- 1. The Child Care Facility will remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Units are required to remain affordable pursuant to Section 10-1-639 of this Division.
- 2. Of the children who attend the Child Care Facility, the percentage of children of very low income households, low income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, low income households, or moderate income households.

C. Notwithstanding any requirement of this Section, the City shall not be required to provide a Density Bonus or concession for a Child Care Facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities. [Newly Added by Ord. No. 3693; eff. 5/6/06; Formerly numbered Section 31-51; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676.]

10-1-638: CONDOMINIUM CONVERSIONS:

Any developer converting condominiums of a Housing Development of five (5) units or more who seeks a Density Bonus, shall make such application in conjunction with its tract map application pursuant to the Subdivision Map Act and this code and consistent with Government Code Section 65915.5. Any appeal of any concession or incentive or review by Planning Board or Council, shall automatically require an appeal of the underlying map to that body. [Newly Added by Ord. No. 3693, eff. 5/6/06; Formerly numbered Section 31-52; Amended by Ord. No. 3640, eff. 7/10/04; 3633, 3491, 3488, 3267, 3200, 3181, 3159, 3157, 3150, 3145, 3120, 3109, 3058, 2915, 2598, 2416, 2194; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-639: AFFORDABILITY AND DEVELOPMENT STANDARDS:

- A. Affordable Units shall be constructed concurrently with Market Rate Units or pursuant to a schedule included in the Density Bonus Housing Agreement.
- B. Affordable Units offered for rent to for low income and very low income households shall be made available for rent at an affordable rent and shall remain restricted and

affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development. Affordable Units targeted to Low Income Households and/or Very Low Income Households will not meet the requirements for rental inclusionary units contained in Division 5 of this Article unless they remain restricted and affordable for 55 years pursuant to Section 10-1-651(C). The Director is authorized to execute the necessary agreement which shall be prepared by the City Attorney

C. Affordable Units offered for sale to moderate income households in condominiums and Planned Developments shall be sold by the developer of the housing development at a price that does not exceed the Affordable Purchase Price. At the time of the sale of an Affordable Unit from the developer of the Housing Development to the initial purchaser, the purchaser shall execute a promissory note secured by a subordinate deed of trust in favor of the City. The promissory note shall require payment, upon resale of the unit, the difference between the market rate price of the Affordable Unit at time of the purchaser's purchase of the Affordable Unit and the Affordable purchase price, and a proportionate share of the appreciation. Upon a resale, the seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller's proportionate share of appreciation. The City's proportion of the share of appreciation shall be equal to the percentage by which the Affordable Purchase Price was less than the fair market value of the Affordable Unit at the time of the initial sale.

D. Affordable Units shall be built on site, and shall be dispersed within the housing development. The number of bedrooms of the Affordable Units shall be equivalent to the bedroom mix of the non-Affordable Units of the housing development, except that the developer may include a higher proportion of Affordable Units with more bedrooms. The design and appearance of the Affordable Units shall be compatible with the design of the overall housing development. Housing developments shall comply with all applicable Development Standards, except those which may be modified as provided by this Division.

E. 1. Upon the request of the developer, the City shall permit a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 10-1-635 at the following ratios:

- a. Zero to one (1) bedrooms: one (1) onsite parking space.
- b. Two (2) to three (3) bedrooms: two (2) onsite parking spaces.
- c. Four (4) and more bedrooms: two and one-half (2 1/2) parking spaces.

2. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Section only, a housing development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

F. The Director is authorized to execute the necessary agreement which shall be prepared by the City Attorney. The agreement shall set forth affordability restrictions and granted a concession and incentive once approved and appealed, if applicable. [Newly Added by Ord. No. 3693; eff. 5/6/06; Formerly numbered Section 31-53; Renumbered by Ord. No. 3058; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3017; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-640: DEVELOPMENT STANDARDS MODIFIED AS INCENTIVE OR CONCESSION:

A. Incentives or concessions that may be requested pursuant to Section 10-1-635 and Section 10-1-637 may include the following:

1. A reduction of site Development Standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901. of Division 13 of the California Health and Safety Code and which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to:

- a. Reduced minimum lot sizes and/or dimensions.
- b. Reduced minimum lot setbacks.
- c. Reduced minimum outdoor and/or private outdoor living area.
- d. Increased maximum lot coverage.
- e. Increased maximum building height and/or stories.
- f. Reduced minimum building separation requirements.
- g. Reduced street standards, such as reduced minimum street widths.

2. Approval of mixed use zoning in conjunction with the Housing Development if non-residential land uses will reduce the cost of the Housing Development and if the City finds that the proposed non-residential uses are compatible with the Housing Development and with existing or Planned Development in the area where the proposed Housing Development will be located.

3. Deferred development impact fees (e.g., capital facilities, parkland in-lieu, park facilities, fire, or traffic impact fees).

4. Expedited processing of application.

5. Incentives pursuant to an Inclusionary Housing Development Standard Ordinance in Title 10 including off-site construction of Affordable Units, provided that the necessary findings required under that Ordinance are made;

6. Other regulatory incentives or concessions proposed by the Developer or the City which result in identifiable, financially sufficient, and actual cost reductions.

B. Developers may seek a waiver or modification of Development Standards that will have the effect of precluding the construction of a Housing Development meeting the criteria of Section 10-1-635 at the densities or with the concessions or incentives permitted by this Division. The Developer shall show that the waiver or modification is necessary to make the Housing Development, with the Affordable Units, economically feasible.

C. The Director shall establish implementing procedures or regulations to implement the provisions of this part, including application form requirements as well as the processing requests for certain concession and incentives (“Implementing Regulations”). The Regulations, and any substantive changes thereto, shall be subject to approval by the Council by resolution. The Implementing Regulations may provide more specific detail regarding the Incentives or Concessions that the City may grant pursuant to this Division. The Regulations shall provide a tiered approval process for the Incentives and Concessions based upon the level of review: administrative approval by the Director, approval by the Planning Board, or approval by the City Council. The Regulations shall establish which Incentives or Concessions require which tier of approval. The City Clerk shall maintain a copy of the current Implementing Regulations.

D. If the Director makes any of the findings set forth in Government Code Section 65915(d)(1) or (e), the written finding shall be provided to developer who may within 20 days of the postmarked findings, appeal the decision to the City Council by providing a written request to the Director. [Newly Added by Ord. No. 3693, eff. 5/6/06; Formerly numbered Section 31-54; renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-641: APPLICATION REQUIREMENTS AND REVIEW:

A. An application for a Density Bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Division shall be submitted with the first application for approval of a Housing Development and processed concurrently with all other applications required for the Housing Development. To the extent feasible, a developer may submit its application for a Density Bonus and Incentives or Concessions with its Inclusionary Housing Plan in accordance with Division 14 of this Article in the event Division 14 is applicable to the Housing Development. The application shall be submitted on a form provided by the City Planner and shall include all information required on the Implementing Regulations. The Development Review ("DR") Application shall be processed together with the concession and incentives and no DR shall be final until such concession and incentives have been final. Appeal of concession and incentives shall comply with DR appeal procedures.

B. An application for a Density Bonus, Incentive or Concession, waiver, modification, or revised parking standard pursuant to this Division shall be considered by and acted upon by the approval body with authority to approve the Housing Development. Any decision regarding a Density Bonus, Incentive or Concession, waiver, modification, or revised parking standard may be appealed to the planning board and from the planning board to the City Council.

C. Before approving an application for a Density Bonus, Incentive or Concession, or other waiver, or modification, the approval body, whether the Director, Planning Board, or Council, shall make the following findings:

1. If the Density Bonus is based all or in part on donation of land, the findings included in Section 10-1-636.

2. If the Density Bonus, incentive, or concession is based all or in part on the inclusion of a Child Care Facility, the findings included in Section 10-1-637.

3. If the incentive or concession includes mixed use development, the finding included in Section 10-1-640.

4. If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the Housing Development with the Affordable Units economically feasible.

D. If a request for an Incentive or Concession is otherwise consistent with this Division, the approval body may deny a concession or incentive if it makes a written finding, based upon substantial evidence, of either of the following:

1. The concession or incentive is not required to provide for Affordable Rents or affordable ownership costs.

2. The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.

E. If a request for a waiver or modification other than required Incentives or Concessions is otherwise consistent with this Division, the approval body may deny a concession or incentive only if it makes a written finding, based upon substantial evidence, of one of the following:

1. The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.

2. The additional waiver(s) or modification(s) would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

3. The additional waiver(s) or modification(s) do not preclude the use of the Density Bonus and granted Incentives or Concessions.

F. If a Density Bonus or Incentive or Concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the City already has adequate child care facilities. [Newly Added by Ord. No. 3693, eff. 5/6/06; [Formerly numbered Section 31-55; Amended by Ord. No. 3535, eff. 1/29/00; 3439, 3139, 3058, 2836, 2727, 2386, 2371; Deleted Ord. No. 3676, eff. 8/16/05.]

10-1-642: DENSITY BONUS HOUSING AGREEMENT:

A. Developers requesting a Density Bonus shall agree to enter into a Density Bonus Housing Agreement with the City. A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this Division and shall be recorded as a restriction on any parcels on which the Affordable Units or Density Bonus Units will be constructed.

B. The Density Bonus Housing Agreement shall be recorded prior to final or parcel map approval, or, where the Housing Development does not include a map, prior to issuance of a building permit for any structure in the Housing Development. The Density Bonus Housing Agreement shall run with the land and bind on all future owners and successors in interest.

C. The Density Bonus Housing Agreement shall include but not be limited to the following:

1. The total number of units approved for the Housing Development, the number, location, and level of affordability of Affordable Units, and the number of Density Bonus Units.
2. Standards for determining Affordable Rent or Affordable Ownership Cost for the Affordable Units.
3. The location, unit size in square feet, and number of bedrooms of Affordable Units.
4. Provisions to ensure affordability in accordance with Sections 10-1-639 of this Division.
5. A schedule for completion and occupancy of Affordable Units in relation to construction of Market Rate Units.
6. A description of any incentives, concessions, waivers, or reductions being provided by the City.
7. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
8. Procedures for qualifying tenants and prospective purchasers of Affordable Units.
9. Other provisions to ensure implementation and compliance with this Article.

D. In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall include the following conditions governing the sale and use of Affordable Units during the applicable use restriction period:

1. Affordable Units shall be owner-occupied by eligible moderate income households.
2. The purchaser of each Affordable Unit shall execute an affordable housing agreement, inclusive of the promissory note and deed of trust described in Section 10-1-639 approved by the City and to be recorded against the parcel including such provisions as the City may require to ensure continued compliance with this Division.

E. In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following:

1. Procedures for establishing Affordable Rent, filling vacancies, and maintaining Affordable Units for eligible tenants;
2. Provisions requiring verification of household incomes.
3. Provisions requiring maintenance of records to demonstrate compliance with this subsection.

F. Density Bonus Housing Agreements for child care facilities and land dedication shall ensure continued compliance with all conditions included in Section 10-1-636 and 10-1-637, respectively. [Newly Added by Ord. No. 3693, eff. 5/6/06; Formerly numbered Section 31-56; Amended by Ord. No. 3535, eff. 1/29/00; 3439, 3255, 3150, 3139, 3058, 2725, 2683, 2640, 2616, 2588, 2529, 2387, 2386, 2371; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-643: AUTOMATIC INCORPORATION BY REFERENCE OF FUTURE AMENDMENTS TO THE STATE DENSITY BONUS LAW:

This Division implements Chapter 4.3, Density Bonuses and other incentives, Government Code Sections 65915-65918. In the event these sections are amended, those amended provisions shall be incorporated into this Division. Should any inconsistencies exist between the amended state law and the provisions set forth herein, the amended state law shall prevail. Until the Code is formally amended to eliminate any such inconsistencies, the City Planner shall maintain an explanation of all such amendments. A copy of that document shall further be available at the City Clerk's Office. [Newly Added by Ord. No. 3693, eff. 5/6/06; Added by Ord. No. 3139; Formerly numbered Section 31-56.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/06.]

10-1-644: PURPOSE OF INCLUSIONARY ORDINANCE:

The purpose of provisions 10-1-644 through 10-1-655 (hereafter the "Inclusionary Ordinance") is to:

- A. Encourage the development and availability of housing affordable to a broad range of households with varying income levels consistent with the City's Housing Element.
- B. Increase the supply of affordable housing in conjunction with market rate housing development.
- C. Establish a regulatory tool to facilitate private sector development and/or financial support of affordable housing to supplement public sector programs.

Support the creation of mixed income developments and neighborhoods. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-57; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-645: APPLICABILITY:

A. SIZE THRESHOLD.

An inclusionary requirement shall apply to all projects involving new construction of five (5) or more residential dwelling units, including units developed in commercial districts and/or within mixed use developments, Adaptive Reuse, or Substantial Rehabilitation involving a net increase in dwelling units.

B. EXEMPTIONS.

This requirement shall not apply to projects which fall into one (1) or more of the following categories:

1. Residential Developments for which an application for Development Review has been submitted prior to the effective date of this Division, as long as i) that application is determined to be completed by the City Planner, or his designee, which determination can occur before or after the effective date, ii) the subject Development Review application is approved and does not expire; iii) an application for plan check is submitted timely, and that the plan check application does not expire; and iv) a building permit is issued.

2. Residential Developments with a valid Development Agreement prior to the effective date of this Division.

Residential Developments for which the Burbank Redevelopment Agency enters into a Redevelopment Agreement. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-58; Amended by Ord. No. 3640, eff. 7/10/04; 3633, 3491, 3488, 3267, 3200, 3181, 3159, 3157, 3150, 3145, 3120, 3109, 3058, 2915, 2598, 2416, 2194; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-646: INCLUSIONARY UNIT REQUIREMENT:

A. CALCULATION.

At least 15 percent of all newly constructed dwelling units in Residential Developments shall be developed, offered to and sold or rented to Very Low, Low and Moderate Income Households, at an Affordable Rent or Affordable Ownership Housing Cost, as follows:

1. For-sale projects - All Inclusionary Units (15 percent of the total Residential Development) shall be sold to Low and/or Moderate Income Households.

2. Rental projects - A minimum of five percent of units in the total Residential Development shall be Very Low Income; the remaining ten percent of the units shall be Low Income.

In calculating the required number of Inclusionary Units, any decimal fraction shall be rounded up to the nearest whole number. Any additional units authorized as a density bonus under Section 10-1-635 of the Burbank Municipal Code will not be counted in determining the required number of Inclusionary Units.

B. PHASE-IN OF REQUIREMENT.

For a period of six (6) months from the effective date of this Inclusionary Ordinance, for those Residential Developments that obtain a Discretionary Approval or, if no Discretionary Approval is required, obtain a building permit within that period, the inclusionary requirement is reduced to ten percent as follows:

1. For-sale projects - Inclusionary Units shall be sold to Low and/or Moderate Income Households.

2. Rental projects - A minimum of three percent of all the units shall be Very Low Income; the remaining seven percent of the units shall be Low Income.

C. INCLUSIONARY CREDITS.

As a means of providing incentives to address the City's goals for lower income and special needs housing, the Inclusionary Unit requirement set forth in this Section may be reduced as follows:

1. If Very Low Income rental units are provided in lieu of required Low Income rental units, a credit of 1.25 units for every one (1) unit shall be provided.

2. If Low Income owner units are provided in lieu of required Moderate Income owner units, a credit of two (2) units for every one (1) unit shall be provided.

3. If a greater number of inclusionary rental or ownership units are provided for large families (three (3) or more bedrooms) than required by the project, or a fully accessible unit is provided for the physically disabled, a credit of 1.5 units for every one (1) unit shall be provided. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-59; Renumbered by Ord. No. 3058; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3017, 2194, 2193; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-647: ALTERNATIVES TO ON-SITE CONSTRUCTION:

On-site development of Inclusionary Units is the City's preferred approach to achieving mixed income housing and compliance with this Division. Nonetheless, as a means of providing flexibility, the Developer may request one (1) or more of the following alternatives in lieu of including the Inclusionary Units within the Residential Development.

A. OFF-SITE UNITS.

A Developer of a project with five (5) – nine (9) units may satisfy the requirement of providing Inclusionary Units as part of the Residential Development, in whole or in part, through new construction, Substantial Rehabilitation, or through Adaptive Reuse at a site different than the site of the Residential Development. A Developer of a project with ten (10) or more units may propose to meet the requirements of this Division by submitting a request for new construction, Substantial Rehabilitation, or Adaptive Reuse of the required Inclusionary Units off-site, subject to the discretion of the City Council.

1. Site Suitability. As stipulated in the City's Inclusionary Housing Implementing Regulations, the alternative site(s) proposed for the off-site Inclusionary Units must be suitable in size with the appropriate zoning in place to accommodate the same number and type of Inclusionary Units required. The parcel(s) must be served by the necessary infrastructure and be environmentally suitable for residential development.

2. Standards for Off-Site Units. The proposed off-site Inclusionary Units may have a modified design standard from the base Residential Units in terms of size, appearance, materials and finished quality, but at a minimum, must be of a standard comparable to market rate units within the neighborhood where the off-site units are to be provided and be of a quality consistent with contemporary standards for new housing. The number of bedrooms provided in the Inclusionary Units must at a minimum be in the same proportion as the base Residential Development.

3. Timing. Before or at the same time a Residential Development receives a building permit for all or any portion of the Residential Development, the off-site land shall have received all the necessary project-level approvals and/or entitlements necessary for development of the Inclusionary Units on such land. The Director may condition the

certificate of occupancy (C of O) on the Residential Development with the C of O on the off-site Inclusionary Units. Alternatively, the Director may require the developer post a performance bond for the off-site units prior granting the C of O on the base Residential Development.

B. LAND DONATION.

A Developer of a project with five (5) – nine (9) units may satisfy the requirement of providing Inclusionary Units as part of the Residential Development, in whole or in part, by a conveyance of land to the City for the construction of the required Inclusionary Units. A Developer of a project with ten (10) or more units may propose to meet the requirements of this Division by submitting a request to convey land for construction of the required Inclusionary Units, subject to the discretion of the City Council. The proposed land donation must be of equivalent or greater value than is produced by applying the City's current In-Lieu Fee to the Developer's inclusionary obligation as determined by a certified City appraisal paid for by the applicant.

1. Site Suitability. Standards for site suitability under conveyance of land shall be the same as those specified for the off-site construction option. The site must have the appropriate general plan and zoning designations to accommodate at least the same number of Inclusionary Units required, and must be served by the necessary infrastructure and be environmentally suitable for residential development. All property taxes and special taxes must be current before the title is conveyed to the City or other person designated by the City Council.

2. Number of Inclusionary Units to be Credited. The number of Inclusionary Units credited to the property to be conveyed shall consist of the number of Inclusionary Units which can reasonably be developed on the land given: i) the mix of Inclusionary Unit sizes and type of structure; ii) densities permitted under applicable planning and zoning designations; and iii) site, infrastructure, environmental and other physical and planning constraints.

3. Timing. No later than the date of approval of the final subdivision map, parcel map, or other development application for the Residential Development, the transferred land will have all the permits and approvals, other than building permits, necessary for development of the required Inclusionary Units on the transferred land. Title to the land shall be conveyed to the City or other person designated by the City Council before a building permit is issued for all or any portion of the Residential Development.

C. IN LIEU FEE.

A Developer may pay a fee in lieu of all of the Inclusionary Units in that amount set forth in the Fee Resolution, and as amended from time to time. The fee shall be paid prior to the issuance of a building permit or any other permit or approval to begin work on the project. This includes, but is not limited to, the following permits: demolition, grading, excavation, and encroachment. The initial fee amount is calculated based upon the in-lieu fee structure for rental projects. For ownership projects, once the final maps are approved by City Council, in-lieu fees are re-calculated at the ownership rate and the balance refunded to the applicant. The fees collected shall be deposited in the Affordable Housing Fund, described in Section 10-1-648. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-60; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05; Amended by Ord. No. 3760, eff. 5/22/09.]

10-1-648: AFFORDABLE HOUSING FUND:

A. HOUSING FUND.

There is hereby established a separate Affordable Housing Fund (“Fund”). This Fund shall receive all in-lieu housing fees contributed under Section 10-1-647 and may also receive monies from other sources.

B. PURPOSE AND LIMITATIONS.

Monies deposited in the Fund must be used to increase and improve the supply of housing affordable to Very Low, Low and Moderate Income Households in the City. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this Section.

C. IMPLEMENTATION.

The Director may develop procedures to implement the purposes of the Fund consistent with the requirements of this Division and any adopted budget of the City.

D. EXPENDITURES.

Fund monies shall be used in accordance with City’s Housing Element, Redevelopment Plan, or subsequent plan adopted by the City Council to construct, rehabilitate or subsidize affordable housing or assist other governmental entities, private organizations or individuals to do so. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases or other public-private partnership arrangements. The Fund may be used for the benefit of both rental and owner-occupied housing. [Newly Added by Ord. No. 3694; eff. 5/6/06; Formerly numbered Section 31-61; Amended by Ord. No. 3535, eff. 1/29/00; 3439, 3139, 3058, 2727, 2386, 2371; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-649: AFFORDABLE HOUSING INCENTIVES:

In order to offset the potential costs and/or other impacts associated with provision of Inclusionary Units, the Developer may request various affordable housing incentives to provide the Inclusionary Units On-Site. The Council has adopted Implementing Regulations in conjunction with this ordinance that identifies the various incentives offered and the process to obtain those incentives. The Implementing Regulations are on file with the City Clerk and the City Planner. The Developer may request one (1) or more of incentives subject to the discretion of the City. Approval authority for the granting of incentives is broken down into three (3) tiers based on the level of discretion required: Administrative, Planning Board, or City Council (refer to Implementing Regulations for further detail on incentives). If a waiver or modification is requested, the Developer must provide a Pro Forma analysis to show the waiver or modification is necessary to make the Residential Development with the affordable units economically feasible. When an incentive is requested that requires Planning Board or City Council approval, that body shall also have the authority to hear an automatic appeal of the Development Review application. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-62; Amended by Ord. No. 3535, eff. 1/29/00; 3439, 3255, 3150, 3139, 3058, 2752, 2725, 2640, 2616, 2588, 2387, 2386, 2371; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-650: COMPLIANCE PROCEDURES:

A. GENERAL.

Approval of an Inclusionary Housing application in accordance with the Implementing Regulations and implementation of an approved Inclusionary Housing Agreement is a condition of approval of any Discretionary Approval or building permit for any Development for which this Division applies.

B. INCLUSIONARY HOUSING PLAN.

Concurrent with the Developer’s first application for a Discretionary Approval for a Residential Development, the Developer shall submit to the Director an Inclusionary Housing Plan for review and approval. No Discretionary Approval shall be granted without submission of the Inclusionary Housing Plan.

1. Contents of Inclusionary Housing Plan. The Inclusionary Housing Plan shall contain the following information:

- i. A brief description of the Residential Development including the number of Market Rate and Inclusionary Units proposed, the basis for the calculation of the number of Inclusionary Units, and whether the Development is seeking a density bonus.
- ii. The unit mix, location, structure type, and size of the Market Rate and Inclusionary Units, and whether the Residential Development is an ownership or rental project. A floor plan depicting the location of the Inclusionary Units shall be provided.
- iii. The income level of the Inclusionary Units.
- iv. In the event the Developer proposes a phased project, a phasing plan that provides for the timely development of the Inclusionary Units as the Residential Development is built out. The phasing plan shall provide for development of the Inclusionary Units concurrently with the Market Rate Units.
- v. A description of the specific incentives being requested of the City, and supporting Pro Forma analysis demonstrating these incentives are necessary to make the Residential Development with the affordable units economically feasible.
- vi. If conveyance of land or an off-site Inclusionary Unit alternative is proposed, information necessary to establish compliance with Section 10-1-690 of the Ordinance.
- vii. Any other information reasonably requested by the Director to assist with evaluation of the Plan under the standards of this Division.

2. Review and Approval of Plan. The Director shall approve, conditionally approve or reject the Inclusionary Housing Plan within a reasonable time after the date of a complete application for that approval. If the Inclusionary Housing Plan is incomplete, the Inclusionary Housing Plan will be returned to the Developer along with a list of the deficiencies or the information required. At any time during the review process, the Director may require from the Developer additional information reasonably necessary to clarify and supplement the application or determine the consistency of the proposed Inclusionary Housing Plan with the requirements of this Division.

C. INCLUSIONARY HOUSING AGREEMENT.

Except for those cases where the requirements of this Division are satisfied by payment of an In-Lieu Fee or the conveyance of land to the City, all Developers whose projects are not exempt from this Division shall enter into an Inclusionary Housing Agreement with the City. The Director is hereby authorized to execute the Inclusionary Housing Agreement on behalf of the City. No building permit shall be issued for all or any portion of the Residential Development unless the Inclusionary Housing Agreement has been executed in a recordable form in accordance with the Implementing Regulations.

1. Contents of Inclusionary Housing Agreement. The Inclusionary Housing Agreement must include, at a minimum, the following information:

- i. Description of the development, including whether the Inclusionary Units will be rented or owner-occupied.
- ii. The number, size and location of Very Low, Low or Moderate Income Units.
- iii. Inclusionary incentives by the City (if any), including the nature and amount of any local public funding.
- iv. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions.
- v. Provisions for monitoring the ongoing affordability of the units, and the process for qualifying prospective resident households for income eligibility.
- vi. Any additional requirements requested by the Director relevant to compliance with this Division.

2. Recording of Agreement. Inclusionary Housing Agreements that are acceptable to the Director must be recorded against owner-occupied Inclusionary Units and residential projects containing rental Inclusionary Units. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents acceptable to the Director must also be recorded against owner-occupied Inclusionary Units. In cases where the requirements of this Division are satisfied through the development of Off-Site Units, the Inclusionary Housing Agreement must simultaneously be recorded against the property where the Off-Site Units are to be developed. [Newly Added by Ord. No. 3694, eff. 5/6/06; Added by Ord. No. 3139; Formerly numbered Section 31-62.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-651: STANDARDS FOR INCLUSIONARY UNITS:

Inclusionary Units built under this Division must conform to the following standards:

A. DESIGN.

Except as otherwise provided in this Division, Inclusionary Units must be dispersed throughout a Residential Development and be comparable in construction quality and exterior design to the Market-rate Units. Inclusionary Units may be smaller in aggregate size and have different interior finishes and features than Market-rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. The number of bedrooms must at a minimum be the same as those in the Market-rate Units and at the same percentage.

B. TIMING.

All Inclusionary Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market-rate Units. In phased developments, Inclusionary Units must be constructed and occupied in proportion to the number of units in each phase of the Residential Development.

C. DURATION OF AFFORDABILITY REQUIREMENT.

Inclusionary Units shall be reserved for Very Low, Low and Moderate Income Households at the ratios established pursuant to Section 10-1-646, and shall be provided at the applicable Affordable Rent or Affordable Ownership Housing Cost.

1. An Inclusionary Unit that is for rent shall remain reserved for the target income level group at the applicable Affordable Rent in perpetuity for as long as the land is used for housing, which shall be less than 55 years.

2. An Inclusionary Unit that is for sale shall remain reserved for the target income level group at the applicable Affordable Ownership Housing Cost in perpetuity for as long as the land is used for housing, which shall be not less than 55 years, subject to the City provisions for earlier termination set forth in the Inclusionary Housing Agreement. Purchasers of affordable units must remain as owner-occupants, and may not rent out the unit. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-63; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-652: PERIODIC REVIEW:

The Housing In-Lieu Fee and inclusionary requirements authorized by this Division and Implementing Regulations shall be re-evaluated at a minimum every year and a report shall be provided to Council. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-64; Amended by Ord. No. 3640, eff. 7/10/04; 3633, 3491, 3488, 3267, 3200, 3181, 3159, 3157, 3150, 3145, 3120, 3109, 3058, 2915, 2598, 2416, 2194; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-653: FINAL DECISION:

No decision issued under the Inclusionary Ordinance is final unless appealed to the City Council. The developer may file a request for Council appeal by filing a written letter to the Director requesting Council appeal within 15 days of the action. A developer of any project subject to the requirements of this Inclusionary Ordinance, may appeal to the City Council for a reduction adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement. [Newly Added by Ord. No. 3694, eff. 5/6/06; Formerly numbered Section 31-65; Renumbered by Ord. No. 3058; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3017, 2930, 2194, 2193; Deleted by Ord. No. 3676, eff. 8/16/05.]

Division 6. Division Number Reserved

Division 7. Division Number Reserved

DIVISION 8. PLANNED RESIDENTIAL DEVELOPMENTS

10-1-654: PURPOSE:

The purpose of a Planned Residential Development is to provide for greater flexibility in the design of integrated residential developments than would otherwise be possible through strict application of the zoning provisions, thereby encouraging well-planned facilities which offer a variety of housing and amenities with more efficient allocation and maintenance of open space and public facilities through creative and imaginative planning. [Formerly numbered Section 31-66; Renumbered by Ord. No. 3058, eff. 2/21/87; 2194.]

10-1-655: USES AUTHORIZED:

A Planned Residential Development may provide for a variety of housing types and their accessory uses but shall not contain any commercial, industrial, or other prohibited nonresidential use. [Formerly numbered Section 31-67; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-656: SUBDIVISION OF LAND, ETC.:

If a Planned Residential Development requires subdividing of land under Title 11 of this Code, or reversion to acreage, no Conditional Use Permit shall be granted for such development without the approval or conditional approval of a tentative or parcel map and the Conditional Use Permit shall be conditioned upon approval of the final map or compliance with the conditions of the parcel map or reversion to acreage. Proceedings for the Conditional Use Permit and subdivision or reversion to acreage may be processed concurrently. [Formerly numbered Section 31-68; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-657: DEVELOPMENT REVIEW:

All applications for a Planned Residential Development shall be subject to Development Review as provided in Division 2, Article 19 of this chapter. [Formerly numbered Section 31-69; Renumbered by Ord. No. 3058; Amended by Ord. No. 3190, eff. 5/26/90.]

10-1-658: FINDINGS ON DEVELOPMENT REVIEW:

In addition to the findings required for Development Review approval as provided for in Division 2, Article 19 of this chapter, and in the Director's report on the issuance of a Conditional Use Permit required by Section 10-1-1943 of this Code, he shall determine whether:

1. Adequate useable open-space has been provided;
2. Adequate arrangements have been made to maintain the open-space;

3. Adequate means of ingress and egress have been provided; and

4. The units are so arranged that traffic congestion will be avoided, pedestrian and vehicular safety and welfare will be protected, and there will be no adverse affect on surrounding property. [Formerly numbered Section 31-70; Renumbered by Ord. No. 3058; Amended by Ord. No. 3190, eff. 5/26/90; 3017, 2930, 2194, 2193.]

10-1-659: STANDARDS FOR APPROVAL:

A Conditional Use Permit for a Planned Residential Development shall not be granted unless the proposed development meets the following standards:

A. MINIMUM AREA.

The site contains a minimum of five (5) acres.

B. DESIGN.

The proposed development is designed to provide overall standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of sufficient unity to justify exceptions to the normal regulations of this chapter.

C. DENSITY.

The density standards of the zone in which the property is located will be followed; or the proposed design will provide greater open space and other desirable features not required in the zone, but in no case shall the density be increased beyond ten percent of the maximum density permitted in the zone.

D. TOTAL GROUND AREA OCCUPIED.

The total ground area occupied by structures shall not exceed 50 percent of the total ground area of the development unless previous development in the neighborhood has greater ground coverage, in which case the ground coverage of buildings and structures may be increased to correspond with average coverage in the neighborhood.

E. FRONT YARDS.

Where the entire block frontage in a Planned Residential Development is designed and developed as a unit, the front yard requirements may be varied provided that the average front yard depth for the entire block frontage is not less than that required in the zone. [Formerly numbered Section 31-71; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3676, eff. 8/16/05.]

10-1-660: OWNERSHIP AND MAINTENANCE OF OPEN SPACE:

A Planned Residential Development shall be subject to the following requirements:

A. OWNERSHIP OF COMMON OPEN SPACE.

The landowner shall provide for common open space necessary to insure its continuity and conservation and shall provide for and establish an organization for the ownership and maintenance of such common open space. Such organization shall not be dissolved, nor shall it dispose of any common open space without first offering to dedicate such space to the City.

B. MAINTENANCE OF COMMON OPEN SPACE.

If common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interests of the City, the Council may cause notice to be served upon such organization or upon residents of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that the deficiencies be cured within 30 days and shall set a date, time and place of a hearing. At the hearing, the Council may extend the time for compliance. If the deficiencies are not cured within the time allowed, the Council, in order to preserve the taxable values of the Planned Residential Development and to prevent common open space from becoming a public nuisance, may enter upon the common open space and maintain it. The cost of such maintenance shall be assessed ratably against those properties within the Planned Residential Development that have a right to enjoy the common open space and shall become a tax lien on such properties. At the time the City enters upon the common open space, the City Treasurer shall file a notice of lien in the office of the County Recorder upon the properties affected by the lien. [Formerly numbered Section 31-72; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 9. NEWLY CONSTRUCTED RESIDENTIAL CONDOMINIUMS
[Added by Ord. No. 2725, eff. 6/25/79.]
(NO SECTIONS ADDED)

DIVISION 10. RESIDENTIAL CONDOMINIUM CONVERSIONS, COMMUNITY
APARTMENT OR STOCK COOPERATIVE PROJECTS

10-1-661: PURPOSE:

The purpose of this division is to establish standards, criteria, regulations and definitions in addition to the requirements of Title 11 of this Code relating to subdivisions as follows:

A. To ensure that residential rental units being converted to condominiums, community apartment or stock cooperative projects meet reasonable physical standards as required by this chapter and building codes of the City in effect at the time of conversion.

B. To help mitigate the impact of eviction for residents of rental units being converted to condominiums, community apartment or stock cooperative projects.

C. To promote the concept of home ownership and to bring a greater amount of owner-occupied housing on the market affordable by all economic segments of the community, thus encouraging participation in the various economic and social benefits associated with home ownership. [Added by Ord. No. 2725; Formerly numbered Section 31-74; Renumbered by Ord. No. 3058, eff. 2/21/87; 2830.]

10-1-662: DEFINITIONS:

CONDOMINIUM: As used in this division, CONDOMINIUM is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building constructed originally on such real property as an apartment for occupancy by a tenant or tenants pursuant to a rental or lease agreement. Such estate may, with respect to the duration of its enjoyment, be either 1) an estate of inheritance or perpetual estate, 2) an estate for life, or 3) an estate for years, such as leasehold or a subleasehold.

CC&Rs: As used in this division, CC&Rs shall mean the declaration of covenants, conditions and restrictions required by State law.

ASSOCIATION: As used in this division, ASSOCIATION means an organization composed of condominium owners.

COMMUNITY APARTMENT PROJECT: As used in this division, a COMMUNITY APARTMENT PROJECT is one in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

STOCK COOPERATIVE PROJECT: As used in this division, a STOCK COOPERATIVE is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy. The term "STOCK COOPERATIVE" does not include a limited-equity housing cooperative, as defined in Section 11003.4 of the Business and Professions Code.

DISABLED TENANT: As used in this division, DISABLED TENANT shall incorporate that definition of DISABLED PERSON set forth in the California Vehicle Code Section 295.5. [Added by Ord. No. 2725; Formerly numbered Section 31-74.1; Amended by Ord. No. 3255, eff. 7/13/91; 3058, 2830.]

10-1-663: ADMINISTRATIVE USE PERMIT REQUIRED:

No tentative tract or parcel map for a residential condominium conversion, community apartment or a stock cooperative project shall be approved or conditionally approved unless the subdivider secures an Administrative Use Permit for such project. The time requirements specified in Section 10-1-1959(A) and (B) shall be extended to 50 days to permit the Director to investigate and render a proposed decision concurrently with the processing of the map pursuant to Section 11-1-321 et seq. of this Code. [Added by Ord. No. 2725; Formerly numbered Section 31-74.2; Amended by Ord. No. 3255, eff. 7/13/91; 3174, 3058, 3030, 2830.]

10-1-664: APPLICATION FOR ADMINISTRATIVE USE PERMIT:

The application for an Administrative Use Permit for a residential condominium conversion, community apartment, or a stock cooperative project shall include the following information in copies which are necessary for the Director to evaluate the project:

A. A property report describing the condition and estimating the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), exterior insulation (sound and thermal), light and ventilation, plumbing, electrical, heating and air conditioning, fire and earthquake safety provisions, security provisions, interior common or public areas, landscaping, and trash control. Such report shall be prepared by an appropriately licensed civil engineer or an architect registered in the State, and shall contain recommendations for the correction or improvement of any deficiencies noted.

B. Tenant and rental information shall consist of the following: name and address of each tenant of the project and the identification of any vacant units; copies of each letter sent to each tenant as required in Section 10-1-668(A) and (B); present rent for each unit; length of lease for each unit and the expiration date of each lease agreement; and the estimated price range of each units as a condominium.

C. Schedule of proposed improvements which may be made to the project prior to their sale.

D. A plot plan of the project including the location and sizes of structures, parking layout and access areas.

E. Such other information which the Director determines is necessary to evaluate the project. [Added by Ord. No. 2725; Formerly numbered Section 31-74.3; Amended by Ord. No. 3255, eff. 7/13/91; 3208, 3058, 2930, 2830.]

10-1-665: FEE:

Upon submission of an Administrative Use Permit for condominium conversion, community apartment or stock cooperative project, the subdivider shall pay the fee designated in the Burbank Fee Resolution. [Added by Ord. No. 2725; Formerly numbered Section 31-74.4; Amended by Ord. No. 3255, eff. 7/13/91; 3208, 3058, 2830.]

10-1-666: INSPECTIONS:

Upon receipt of the application for an Administrative Use Permit to convert and the application for a subdivision:

A. The Director shall submit copies of applicable reports, maps and documents to the Building Department, Fire Department and other departments as found necessary.

B. The Building Director shall review the property report submitted by the subdivider and may require its revision or resubmission if it is found to be inadequate in providing the required information.

C. The Building Director shall also cause an inspection to be made of all buildings and structures in the existing development and shall prepare an inspection report identifying all items to be found to be in violation of the City's current Building and Housing Code requirements, or items found to be hazardous.

D. The Fire Chief shall cause an inspection to be made of said project to determine the sufficiency of fire protection systems serving the project and report on any deficiencies and indicate which deficiencies are required to be corrected by law.

All of the reports required or referred to in this section shall be prepared in time for submission to the Director for his/her review and consideration of the Administrative Use Permit. [Added by Ord. No. 2725; Formerly numbered Section 31-74.5; Amended by Ord. No. 3255, eff. 7/13/91; 3058, 2930, 2830.]

10-1-667: CORRECTION OF DEFICIENCIES:

A. The subdivider shall:

1. Correct all violations of the Building and Housing Code and repair or replace any fixtures, appliances, equipment, facilities and structural appurtenances determined to be deteriorated or hazardous.

2. Correct any deficiencies in the fire protection system as required by law.

3. Repair or replace any damaged or infested areas in need of repair or replacement as shown in a structural pest control report, to be prepared by a licensed structural pest control operator and filed at least 30 days prior to the submittal of the final map.

4. Dedicate any additional width of the public right-of-way of the street(s) abutting the property as required by the Public Works Director and in conformance with the minimum standard of the Circulation Element of the General Plan as set forth in Appendix A thereof.

B. To the greatest extent practicable from the standpoint of financial feasibility all deficiencies noted in the property report required by Section 10-1-664 of this division shall be corrected prior to consideration of the final map. [Added by Ord. No. 2725; Formerly numbered Section 31-74.6; Amended by Ord. No. 3208, eff. 11/10/90; 3058, 2830.]

10-1-668: TENANTS' RIGHTS:

A. Commencing at a date not less than 60 days prior to submittal of the tentative tract map, and continuing thereafter until such time as units are offered for sale, the owner or subdivider shall give written notice of the intent to convert and the rights set forth in Subsections (C) through (G) of this section, to each person applying after such date for rental of a unit in the subject property immediately prior to acceptance of any rent or deposit from the prospective tenant. Proof of such notification and acceptance of same by the prospective tenant shall immediately be filed with the City Planner. Failure by the owner or subdivider to notify each prospective tenant who becomes a tenant and was entitled to such notice and who does not purchase his or her unit, shall require the owner or subdivider to pay to the affected tenant a relocation payment of two thousand five hundred dollars (\$2,500).

B. At least 60 days prior to submittal of the tentative tract map and application to the City for processing, the owner or subdivider shall send a letter to each and every tenant in the building to be converted, which letter shall advise the tenants of all rights set forth in Subsections (C) through (G) of this section. Said letter shall be served on the tenants by certified mail. At the time of tentative tract filing, the owner or subdivider shall file with the City a true copy of the letter sent to all tenants, proof of mailing, and a duly signed and notarized written statement that the required letter has been sent.

C. The Director shall notify in writing each affected tenant concerning the Notice of Director's proposed decision regarding the application for conversion in accordance with Section 10-1-1959 of this Code.

D. The subdivider shall give each tenant a minimum of 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.

E. The present tenant or tenants of any unit to be converted shall be given an exclusive right to contract to purchase the unit occupied at a price no greater than the price, and with terms no less favorable than the terms offered to the general public. Such right shall be irrevocable for a period of 90 days after the issuance of the final public report by the California Department of Real Estate unless the tenant gives prior written notice of intention not to exercise the right.

F. The subdivider shall pay to the tenants whose name appears on the Administrative Use Permit application, as required by Section 10-1-664(D), and who move as a result of having received the notice required by Section 10-1-668(B), a total of two thousand five hundred dollars (\$2,500) per unit. If more than one (1) tenant occupies a unit being

converted to condominium, each tenant shall receive a pro rata share of the relocation benefit. This financial relocation assistance requirement shall not apply to the benefit of tenants who were given written notice of the landlord's intent to convert when the respective rental agreements or leases were signed.

Failure to record a final subdivision map within the time allowed by this Code and the Subdivision Map Act, including all allowable time extensions, shall terminate all proceedings. Before a tentative subdivision map may thereafter be refiled, the application for a new Administrative Use Permit and tentative map shall be accompanied by an application fee equal to the sum which is double the application fees required for original applications.

G. Any rent increase above the Housing and Urban Development (HUD) Department's Guidelines occurring in the year prior to the relocation of a tenant and arising out of or caused by approval of a tentative tract map or tentative parcel map for conversion shall be refunded to the tenant who paid such excess.

If a final subdivision map has not been recorded within three and one-half (3 1/2) years after the date of approval of a tentative tract map, and two (2) years for a tentative parcel map, and reapplication has been filed within one (1) year from the tentative map expiration date, then all tenants who lived in the structure being subdivided, and who continue to live in a rental unit of said structure shall thereafter be eligible for the financial relocation assistance required by this section, regardless of the reason for ineligibility prior thereto.

H. Each disabled tenant whose name appears on the Administrative Use Permit application, as required by Section 10-1-664(F), and who moves as a result of having received the notice required by Section 10-1-668(B), shall submit to the Community Development Director a report from a licensed occupational therapist or physician listing the accessibility improvements needed as a result of the tenant's orthopedic or physical disability.

The subdivider shall be responsible for funding mobility improvements in the disabled tenant's new dwelling unit. These improvements shall be chosen by the tenant from those listed in the submitted report. The cost of said chosen improvements shall not exceed a total of \$2,500 for all disabled tenants in any unit. These costs are in addition to the relocation payments required in Section 10-1-668(F). If more than one (1) disabled tenant occupies a unit being converted, the subdivider shall divide the mobility improvement benefit established in this section equally among the disabled tenants.

The mobility improvements are limited to those listed in, and must comply with, California Administrative Code Title 24, Sections 2-110A(b)9, 2-511(a), 2-522(a), 2-1214, 2-3301, 2-3304, 2-3305, 2-3306, 2-3307, 2-3325, 2-3326, 3-089-8(b)9, 3-210-50(e), 3-380-8(c), 5-008(b)(9), 5-1501, 5-1502, 5-1504(a), 5-1505, 5-1506 and 5-1508.

The subdivider shall submit to the Community Development Director a contract itemizing the mobility improvements to be made to the disabled tenant's new dwelling, the cost of these improvements, and the name, address and business license number of the contractor to perform the work. All work contracts for mobility improvements which will be applied toward the \$2,500 obligation set forth in this subsection shall be approved by the Community Development Director. The Community Development Director may reject the contract for reasons including, but not limited to, unreasonably high costs for repairs.

[Added by Ord. No. 2725; Formerly numbered Section 31-74.7; Amended by Ord. No. 3255, eff. 7/13/91; 3208, 3058, 2930, 2830.]

10-1-669: MINIMUM STANDARDS FOR CONVERSION:

Conversions shall meet the following minimum standards:

A. DEVELOPMENT STANDARDS. All condominium conversions must comply with the standards in Section 10-1-629.

B. BUILDING STANDARDS.

1. All buildings proposed for conversion shall meet current City Building, Housing and Fire Codes including, but not limited to, sound attenuation with respect to party walls and floor/ceiling assemblies. The State mandated energy conservation regulation for R-11 insulation for exterior walls on new construction shall be exempt for conversion purposes.

2. The consumption of gas and electricity within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility. The requirements of this subsection may be waived when the City Planning Board and/or the City Council finds that such would not be practicable or would be cost prohibitive. [Added by Ord. No. 2725; Formerly numbered Section 31-74.8; Amended by Ord. No. 3676, eff. 8/16/05; 3255, 3058, 2830.]

10-1-670: DECLARATION OF PROJECT ELEMENTS, AND COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):

To achieve the purposes of this division, the subdivider shall provide a copy of the CC&Rs proposed to be recorded as required by State law, together with any and all documents required and relating to the items regulated by this division, prior to the filing of the final map pursuant to the provisions of Title 11 of this Code.

Once the CC&Rs are accepted in final form by the Director none of the portions of the CC&Rs relating to items regulated by this section shall be amended, modified or changed without first obtaining written consent of the Director, and a statement to that effect shall be included at the end of the CC&Rs.

A. ASSIGNMENT OR CONVEYANCE OF PRIVATE STORAGE AREAS.

The surface and appurtenant airspace of private storage areas required by Section 10-1-669(C) of this division, shall be described in the CC&Rs and conveyed to its respective unit.

B. ASSIGNMENT AND USE OF REQUIRED OFF-STREET PARKING SPACES.

Required off-street parking spaces, except guest parking spaces, if any, shall be permanently and irrevocably assigned to particular units within the project. In no case shall the private storage area of one (1) unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be used solely by unit owners, members of their families, their guests or lessees of the owner's unit. All parking spaces shall be used solely for the purposes of parking motor vehicles as defined by the State Vehicle Code. No parking space shall be used by, rented or leased to any person except in conjunction with the occupancy of a unit within the project. [Added by Ord. No. 2725;

Formerly numbered Section 31-74.9; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2830.]

10-1-670.1: ESCROW ACCOUNTS:

A. The subdivider shall establish an escrow account for disabled tenants mobility improvement costs required in Section 10-1-668(F) in an institution described in Subsection (B) below. This subdivider shall bear all costs associated with the use of this account.

B. The subdivider may place the escrow account in any bank, savings and loan association, or credit union with federal deposit insurance; with any broker licensed by the California Real Estate Commission; or with any escrow service licensed by the California Corporation Commission, that is reasonably accessible to the tenant(s) during normal business hours.

C. Escrow instructions must provide for disbursement for actual expenses incurred at completion of construction of mobility improvements mandated by Section 10-1-668(F), upon approval by the Community Development Director; any excess funds to be returned to the subdivider upon completion of said improvements; and the dispute resolution process established in Section 10-1-670.2. The tenant(s) shall receive a copy of all escrow documents.

D. The escrow shall provide for disbursements only to those contractors approved by the Community Development Director. The escrow may also provide that the escrow holder verify that the expense has been paid or that the agreement to incur an expense has been entered into by the party(s) named in the agreement. In no case may payments be made directly to the tenant.

E. All payments from escrow must be made within three (3) working days after receiving notice of approval from the Community Development Director.

F. In addition to the above, the escrow must also include:

1. The names of each tenant in a unit, his/her mailing address, the pro rata share to each, and if possible a telephone number(s);

2. A statement that the subdivider and the escrow company indemnify and hold harmless from all liability the City, its officers, employees, or hearing officers selected by the Department, who act in good faith and with proper authority when authorizing disbursements from the escrow account;

3. Instructions that a copy of the escrow agreement and all instructions from the subdivider to the institution holding the escrow account, as well as copies of all documents required by these guidelines, and documentation of mobility improvement expenses paid directly to any third party, must be sent by the institution holding the escrow account to the tenants. The costs of reproducing documents and the cost of mailing documents cannot be charged against the tenant's \$2,500 benefit. Costs of this kind must be borne by the subdivider establishing the escrow account, and the institution setting up the escrow account should establish a fee sufficient to cover such costs. [Added by Ord. No. 3255, eff. 7/13/91.]

10-1-670.2: ESCROW ACCOUNT DISPUTES:

A. The escrow must contain a dispute resolution procedure that provides that the release of funds made or to be made to a third party constructing the improvements and contested by the tenant or the owner of the tenant's new dwelling unit or by the party constructing the improvements will be determined solely by the Community Development Director. The dispute resolution procedure must provide that in the event of a dispute between the tenant and the escrow, involving the disbursement of funds as required in Section 10-1-670.1(C) through (F), the escrow holder at the request of the tenant(s) must inform the Community Development Director and the tenant(s) in writing that a dispute exists, the reason for the dispute and the amount in dispute within five (5) working days of receiving a request for payment. The procedure must also provide that the disputing party(s) have three (3) working days to rescind the dispute notice in writing.

B. Dispute notices must be sent by registered mail or delivered to the Community Development Director, 275 East Olive Avenue, Burbank, CA 91502, on the fifth working day following presentation of the dispute notice to the opposing party. A copy of the escrow instructions must accompany the notice.

C. All remaining funds which are not disputed expenses are subject to the escrow instructions. Provision must be made in the escrow dispute resolution procedures for setting aside the disputed amount so that it is not subject to any other disbursements.

D. Within five (5) working days of receipt of a dispute notice, the Department will contact the disputing parties to investigate.

E. Within eight (8) working days after receipt of a dispute notice, the Department will mail to the disputing parties a notice detailing the instruction(s) the Department intends to issue to the escrow holder. The Department may only order the funds in dispute to be paid or to remain in escrow. Disputes involving matters other than those contained in Subsection (C) through (F) must be resolved between the parties in another forum.

F. Any party to the dispute may appeal the Department's determination within five (5) days after the notice of intent is sent. An appeal must be served on the Department and the opposite party to the dispute within the five (5) day period. The appeal must state why the appellant believes the Department's determination is in error.

G. The final determination of the funds in dispute will be made by the City Landlord-Tenant Commission.

H. The appealing party may rescind in writing the appeal prior to the scheduled meeting date. If the appeal is rescinded, the Department's original determination will be carried out by the escrow holder, upon notification of a final determination by the Commission.

I. There is no fee for filing an appeal from the Commission's decision to authorize or not authorize a disbursement from an escrow account.

J. The Commission will set a meeting date at the next regular meeting scheduled after receipt of the notice of appeal. The escrow holder and the tenant shall be notified by the Commission of the time and place of the meeting not later than ten (10) days prior to the scheduled meeting.

K. The meeting will be conducted by the Commission. Both the escrow officer and the tenant may submit documents, testimony, written declarations or other evidence, all of which shall be submitted under oath. If neither party appears at the meeting, the Commission shall make a determination based on the administrative record.

L. The Commission will make a final written determination within ten (10) days after the hearing, which will be mailed to the involved parties.

M. The Commission's decision shall be final. [Added by Ord. No. 3255, eff. 7/13/91.]

DIVISION 11. HOME OCCUPATIONS

10-1-671: PURPOSE AND INTENT:

The intent of this Article is for a home occupation to be allowed if the business use is clearly an office use, artistic use or music lessons and is incidental and secondary to the use of the dwelling. In addition, the business use must be compatible with the surrounding residential uses. No home occupation shall be conducted that constitutes or causes an objectionable use of residential property due to potential noise, glare, dust, vibration, increased pedestrian or vehicular traffic, or any other condition that interferes with the general welfare of the surrounding residential area. [Formerly numbered Section 31-75; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3697, eff. 7/15/06; 3495, 2725.]

10-1-672: SPECIFIC RESTRICTIONS:

The following regulations shall apply to the conduct of home occupations:

A. LIMITATION ON NUMBER.

A maximum of two (2) home occupations may be conducted on the premises of a residence. Multiple fictitious business names may be considered as part of one (1) home occupation if the businesses are determined by the Community Development Director to be sufficiently similar in nature so as to constitute one (1) business.

B. USE CONFINED TO RESIDENTS.

Only persons whose primary residence in the dwelling unit may engage in the home occupation.

C. EMPLOYMENT LIMITED TO RESIDENTS.

Employment for actual work conducted on the premises of the home occupation shall be limited to: the resident or residents who is, or are, principal owner or owners of the business, and any other resident of the dwelling unit. No non-resident person may conduct work on the premises in conjunction with the home occupation. Baby sitters, care-givers and/or domestic staff are not considered employees of a home occupation, unless they perform work related to the home occupation.

D. MAXIMUM AREA.

The home occupation(s), either singular or combined, may cumulatively occupy no more than the greater of: 1) 400 square feet, or 2) 20 percent of the combined square footage of the dwelling unit and any accessory structure that is not a garage or area required for the parking of vehicles.

E. SALES AND DISPLAY.

No commodity shall be sold or displayed on the premises.

F. USE OF REQUIRED PARKING PROHIBITED.

If an accessory structure, or a portion of an accessory structure, is used for the home occupation, the accessory structure used for the home occupation shall not be any garage, carport, or any other area required or designated for the parking of vehicles.

G. PERMITTED LOCATIONS; STORAGE.

The home occupation may only be conducted and the storage of materials, equipment, inventory, supplies and files for the home occupation(s) is only permitted inside the dwelling unit or an entirely enclosed roofed accessory structure that is not a garage. Storage of materials, equipment, inventory, supplies, and files for the home occupation(s) shall not cumulatively occupy more than 25 percent of the permitted area for the home occupation as determined pursuant to Subsection (D) above.

In addition, hand tools, power tools, and other tradesman tools and equipment used in conjunction with the home occupation may be kept in one (1) vehicle that is used in conjunction with the home occupation.

H. MATERIALS AND EQUIPMENT.

Only materials, equipment, and/or tools recognized as part of a normal household or necessary or convenient for domestic purposes shall be used in the home occupation. No motor power other than electrically operated motors, acceptable for connection to a 110 and 220 volt circuit, with a maximum of one (1) horsepower per motor and a total of two (2) horsepower, shall be used.

I. PEDESTRIAN AND VEHICULAR TRAFFIC.

The home occupation shall not create pedestrian or vehicular traffic in excess of that which is normal to a residential use of the premises.

J. COMMERCIAL VEHICLES.

1. No commercial vehicle used for any part of the home occupation activity may be parked, maintained, or stored on the premises with the exception of one (1) commercial vehicle per dwelling unit complying with both of the following requirements: (a) the size of the vehicle is no longer than 22 feet, including any attached trailer or apparatus, nor greater than eight (8) feet in height, and (b) the vehicle is utilized for residential purposes at least 51 percent of the time on a weekly basis.

2. Other than the commercial vehicle permitted pursuant to Subsection (J)(1) above, no commercial vehicle may be used for delivery of materials or pickup of materials in conjunction with the home occupation, except that reasonable courier services to or from the premises is permitted.

3. For the purposes of this section, commercial vehicle shall mean any vehicle required by the State of California to have commercial vehicle license plates.

K. SIGNS AND ADVERTISING.

No sign, nameplate, or other form of advertising shall be displayed on the premises in connection with the home occupation except for a total of one (1) non-free-standing sign per dwelling unit not exceeding one-half (1/2) square foot located on the mailbox or, if there is no mailbox, near the mail delivery area identifying the home occupation(s). There shall not be any alteration of the appearance of the premises for the purpose of attracting attention to a home occupation.

L. NUISANCE.

The home occupation shall not create any radio or television interference or create discernable noise, glare, dust, odor, vibrations, or unreasonable disturbance in excess of that which is normal to a residential use of the premises. Nor may the home occupation

cause or generate any other condition that interferes with the peace, health, safety or general welfare of people or property in the surrounding area.

M. MUSIC LESSONS.

Music lessons may be conducted on the premises of a residence subject to the following conditions:

1. Applicants must obtain an Administrative Use Permit pursuant to Division 4.1 of Article 19 of this Chapter, except that notice of the decision shall be mailed to all property owners and occupants within a one hundred and 150 feet radius of the property. As part of the Administrative Use Permit process, the property owner of the premises upon which the music lesson will be given shall be provided notice of such intent.

2. Applicants for an Administrative Use Permit to teach music lessons to minors, students under 18 years of age, are required to submit fingerprints in order to obtain applicant's criminal history.

3. Music lessons shall be conducted between the hours of 9:00 a.m. and 7:00 p.m. (hours of operation).

4. Music lessons shall be limited to a maximum of any five (5) days per week (days of operation) with the exception of Sundays. No music lessons shall be conducted on Sundays.

5. Music lessons shall be limited to a maximum of ten (10) students per day.

6. Music lessons may be conducted with up to, but no more than, two (2) students per lesson. There shall be no group lessons, recitals or concerts conducted on the premises of the home occupation.

7. No person shall conduct music lessons in such manner that the noise or sound or vibration from such music lessons exceeds the standards set forth in Article 2, Title 9 Chapter 3 of the Burbank Municipal Code.

8. There must be designated on the premises a location for the queuing of students before and after lessons to prevent the uncontrolled loitering of students in the residential area. Such location shall be shown on the submitted site plan.

9. There must be on premises parking for persons coming to or leaving music lessons. On premises parking must be provided for at least one (1) vehicle in addition to the required parking for the residence itself and must be shown on the submitted site plan. Such parking area may be located in a driveway in a single family residential zone. Guest parking may be used to satisfy this requirement in a multiple family residential zone. When music lessons are being conducted, the designated parking area must be left open and available for student parking.

10. Music lessons are not subject to the pedestrian and vehicle traffic restrictions of Subsection (l).

11. Music lessons are prohibited in any multi-family structure that shares a common wall or ceiling or floor with any other unit.

12. The applicant is responsible for all costs associated with the permitting process, including any applicable background investigation fees, as established by the Burbank Fee Resolution. [Formerly numbered Section 31-75.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3813, eff. 7/8/11; 3697, 3514, 3495, 2725, 2194.]

10-1-673: PROHIBITED OCCUPATIONS:

The following activities are prohibited as home occupations:

A. MOTOR VEHICLE REPAIR AND DETAILING.

Those occupations conducted on the premises that entail motor vehicle repair work, including any and all aspects of body or fender work. Also prohibited is auto detailing on the premises.

B. MECHANICAL AND ELECTRONIC REPAIR.

Mechanical and electronic repair utilizing, maintaining or storing more mechanical or electronic equipment on the premises than is common to a residence.

C. KENNELS.

Those occupations and uses which entail harboring, training, or raising of dogs, cats, birds, or other animals.

D. FOOD HANDLING.

Those occupations which entail food handling, food processing, food warehousing, or food packaging.

E. FIREARMS.

Those occupations that entail the manufacturing, sale, lease, or rental of firearms and/or ammunition. However, this prohibition shall not apply to a person legally and continuously operating a home occupation involving the manufacturing, sale, lease, or rental of firearms and/or ammunition pursuant to a business permit issued prior to September 1, 1998. On or before October 16, 1998, all home occupations involving the manufacturing, sale, lease, or rental of firearms and/or ammunition must be permanently discontinued unless the home occupation has been legally and continuously operated by the same person at the same location pursuant to a business permit effective prior to September 1, 1998.

F. PRODUCTS PROCESSING.

Those occupations which entail the repair, processing, or alteration of goods, materials, or objects; provided, however, that custom sewing/tailoring is permitted if the goods are not manufactured or processed as stock for sale or distribution. This code section is not intended to prohibit: watch repair, jewelry repair, and original jewelry creation. This ordinance does not prohibit artists and artist studios, with the exception of prohibiting welding as a form of artistry for commercial business purposes, or commercial ceramic artistry, wherein a commercial kiln is utilized. This Article does not regulate forms of artistry that are for the sole purpose of non-business hobby-making and/or non-business personal artistic expression.

G. OTHER PROHIBITED HOME OCCUPATIONS.

Any activity where the conduct or operations of such activity would violate the provisions of this Article or any statute, ordinance, law or regulation or any activity determined by the

Community Development Director to be similar to those activities listed above. [Formerly numbered Section 31-75.2; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3514, eff. 5/1/99; 3495, 2725.]

10-1.673.1: ADDITIONAL REGULATIONS AND EXEMPTIONS FOR PERMITTED HOME OCCUPATIONS INVOLVING FIREARMS:

A. ADDITIONAL REGULATIONS.

In addition to the other provisions of this Division, all permitted home occupations that entail the manufacturing, sale, lease or rental of firearms and/or ammunition must also comply with the following regulations:

1. Active Alarm System.

All direct entries into the dwelling unit or accessory structure, whichever houses firearms and/or ammunition, shall be secured by an active alarm system that is connected to a 24-hour monitored, state-licensed security alarm service. For the purposes of this Division entries means doors, windows, skylights, trapdoors, and any other similar entryway into the dwelling unit or accessory structure.

2. Firearms Kept in Safe.

All firearms and/or ammunition involved in the home occupation shall be locked in an anchored metal safe which is constructed of no less than 10 gauge metal, in one room of the dwelling unit, or accessory structure. For the purposes of this Article, anchored shall be defined as permanently mounted to the floor or having an empty weight of 1,000 pounds or more so that heavy equipment or tools would be required to remove the safe.

3. Daytime Hours.

Showing or transferring a firearm and/or ammunition to a customer or prospective customer shall only take place between the hours of 7 a.m. and 10 p.m.

4. City May Inspect.

City of Burbank Police Department Personnel shall have the right to enter any premises where a home occupation involving firearms and/or ammunition is conducted for the purposes of inspection for compliance with this Division.

5. No Large or Small Family Day Care on Premises.

No home occupation involving firearms and/or ammunition may be conducted at any dwelling unit, including any accessory structures, if a large family day care home or a small family day care home operates on the premises.

B. EXEMPTION FROM CERTAIN REGULATIONS.

Permitted home occupations involving the manufacturing, sale, lease, or rental of firearms and/or ammunition are exempt from the provisions of Sections 10-1-672(E) and 10-1-672(I). [Added by Ord. No. 3514, eff. 5/1/99.]

10-1-673.5: ADMINISTRATIVE PROVISIONS; APPEALS:

A. The conduct of a home occupation requires the approval of a business permit as required by Section 3-4-1901 of this Code. A home occupation applicant shall file an application for such use on forms prescribed by the Community Development Director and

shall provide all required information. Each applicant for a home occupation shall at the time the application is filed pay a fee as set forth in this Code or in the Burbank Fee Resolution.

B. The Community Development Director shall consider the application based on the regulations set forth in this Article and any other laws applicable to the conduct of a home occupation and shall inspect the premises for the purpose of compliance with the regulations set forth in this Article and any laws applicable to the conduct of a home occupation. The Community Development Director shall approve the application if the home occupation is in compliance with all of the requirements of this Article and all other laws applicable to the conduct of a home occupation.

C. No business permit issued under this Article shall be transferred or assigned to a different person, different address or different home occupation. A business permit for a home occupation shall only authorize the person(s) named therein to commence or carry on the home occupation for which the permit was issued at the dwelling unit approved for the home occupation.

D. A business permit for a home occupation that is not operated in compliance with this Article and/or any other laws applicable to the conduct of a home occupation may be revoked or suspended by the Community Development Director after 15 days notice.

E. Any person may appeal a decision denying, revoking or suspending a business permit for a home occupation pursuant to the appeal procedures in Article 15, Title 2 Chapter 1 of this Code; provided however, that all interested persons and not just the applicant shall have the right to appeal such a decision. [Added by Ord. No. 3495, eff. 10/17/98; Amended by Ord. No. 3828, eff. 8/24/12; 3514.]

DIVISION 12. INTENTIONALLY RESERVED:

[Deleted by Ord. No. 3688, eff. 3/11/06.]

DIVISION 13. LARGE FAMILY DAY CARE HOME

10-1-683: LARGE FAMILY DAY CARE HOME; ADMINISTRATIVE USE PERMIT REQUIRED:

No person shall operate a large family day care home in any single family residential zone without first obtaining an Administrative Use Permit in compliance with the standards as set forth herein.

Upon the effective date of this division, those persons who are operating large family day care homes within the City of Burbank pursuant to a previously issued Conditional Use Permit shall be allowed to continue operation until such time as that Conditional Use Permit is revoked, or expires pursuant to its own terms.

Those persons who are currently operating large family day care homes within the City of Burbank and who have not been granted a Conditional Use Permit pursuant to those provisions of the Burbank Municipal Code in effect prior to the effective date of this division shall have 90 days from the effective date of this division to submit a completed application for an Administrative Use Permit to operate a large family day care home. [Added by Ord. No. 3139; Formerly numbered Section 31-75.30; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-684: REQUIREMENTS FOR ADMINISTRATIVE USE PERMIT TO OPERATE LARGE FAMILY DAY CARE HOME:

The Director shall grant an application for an Administrative Use Permit to operate a large family day care home (the "home") if he or she finds that all of the following standards have been met; and he or she shall require that such standards be met at all times and maintained throughout the use of the permit by the proposed provider (hereafter "applicant"):

1. The applicant lives in the home, and the home is applicant's legal principal residence. The applicant shall provide adequate written evidence of its residency.
2. The use of the home as a large family day care home is clearly incidental and secondary to the primary residential use of the property.
3. The property or home has not been altered or structurally changed in a way which is adverse to the character or appearance of the residential zone.
4. One (1) off-street parking space is provided for each non-resident employee. Such parking space shall be in addition to the minimum parking requirements applicable to the property consistent with the provisions of this chapter, including, but not limited to, provisions applicable to legal, non-conforming residential buildings. The residential driveway is acceptable so long as the parking space does not conflict with any required child drop-off/pickup area and does not block the public sidewalk or right-of-way.

5. The garage is not used for any purpose relating to the care giving of the children unless it has been converted in accordance with the provisions of this chapter. Replacement parking (if needed) is sufficient to comply with the requirements of this chapter, including the provisions of this section.

6. Procedures for the loading and unloading of children from vehicles have been submitted by applicant and are sufficient. If there is not sufficient on-street parking to allow for the safe loading and unloading of children from vehicles, the driveway shall be used for this purpose. The public sidewalk and/or right-of-way shall not be blocked while completing the loading and unloading process. Double parking in the street is prohibited. The applicant shall be responsible for the safe loading and unloading of children and shall distribute a notice of loading and unloading procedures to all persons that utilize services of the large family day care home. Day care provider is responsible for adherence to these rules.

7. If the residence is located on a major arterial street, there is a drop-off/pickup area designed to prevent vehicles from backing onto the major arterial roadway.

8. No signs or other indicia will identify the residence as a large family day care home are visible from the right-of-way.

9. There shall be a minimum distance of 500 feet between the parcel on which the large family day care home is located and the nearest parcel containing a licensed large family day care home.

10. No more than one (1) large family day care home shall be permitted within a 500 radius of any child day care facility or elementary school.

11. The applicant is in compliance with all applicable regulations of the Fire Department and the Building Official regarding health and safety requirements.

12. The applicant has applied for a large family day care home license from the State of California, Department of Social Services.

13. The applicant shall not allow smoking within the residence when any of the children being cared for are present in the residence. [Added by Ord. No. 3139; Formerly numbered Section 31-75.31; Renumbered by Ord. No. 3058; Amended by Ord. No. 3457, eff. 3/1/97.]

10-1-685: APPLICATION FOR ADMINISTRATIVE USE PERMIT FOR LARGE FAMILY DAY CARE HOME:

An application for an Administrative Use Permit to operate a large family day care home shall be made on a form to be provided by the Director. The applicant shall pay a fee as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3139; Formerly numbered Section 31-75.32; Renumbered by Ord. No. 3058; Amended by Ord. No. 3457, eff. 3/1/97.]

10-1-685.5: REVOCATION OF ADMINISTRATIVE USE PERMIT FOR LARGE FAMILY DAY CARE HOME:

In addition to termination/revocation process set forth in Section 10-1-1960 of this chapter, the Director may, after 20 days notice by mail to the permit holder, revoke an Administrative Use Permit on any one or more of the following grounds:

A. The property subject to the Administrative Use Permit has been utilized contrary to the findings and requirements set forth in Section 10-1-684;

B. The State has revoked, terminated or otherwise rejected the issuance of a large family day care home license;

C. The large family day care home is operated in a manner which adversely affects adjoining residences or is detrimental to the character of the residential neighborhood, as evident by a minimum of three (3) complaints, which shall relate to requirements imposed through the Burbank Municipal Code or the Conditions of Approval and be provided in writing on a form provided by the City, within a rolling six (6) month period by unrelated individuals; or

D. The large family day care home is operated in violation of the noise standards as contained within the noise element of the General Plan and the noise regulations of the Code.

The Director shall render a notice of its decision to revoke or to not revoke the AUP. The decision of the Director to revoke or to not revoke an Administrative Use Permit can be set for a public hearing and appealed pursuant to the procedures contained in Section 10-1-1959, except that any complainant has standing to request a hearing or an appeal for purposes of this section. [Added by Ord. No. 3457, eff. 3/1/97.]

ARTICLE 7. COMMERCIAL USES AND STANDARDS

DIVISION 1. C-1 COMMERCIAL ZONE

10-1-701: PURPOSE:

The C-1 Commercial Retail-Professional Zone is intended for commercial and business establishments which are primarily engaged in the buying and selling of goods and services. [Formerly numbered Section 31-76; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-702: USES IN THE C-1 ZONE:

In The C-1 Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-77; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3464, 3457, 3452, 3439, 3400, 3376, 3335, 3058, 3050, 2423.]

10-1-703 AND 704:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-705: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a C-1 Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential uses as follows:

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(i) 0 - less than 25 feet		1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)
(ii) 25 - less than 50 feet		25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iii) 50 - less than 150 feet		35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iv) 150 - less than 300 feet	0 - less than 300 feet	50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(v) 300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(vi) 300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Maximum height limit to be determined through the Conditional Use Permit

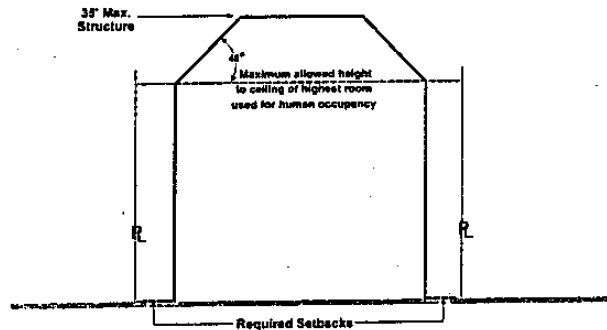


Diagram No. 1

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure height greater than 35 feet.

4. Structure height shall be measured from grade as defined by this chapter.

5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.

6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent to R-3, R-4, and R-5 lots shall provide a minimum of ten (10) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent to R-1, R-1-H, or R-2 property, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H, or R-2, the entire open space may be used for parking.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Structures, except above-grade parking structures, on lots with less than 75 feet, have no required front or street side yard setbacks on those frontages of 75 feet or less.

Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged.

c. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

c. The planting of vines on masonry buildings is encouraged.

d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.

e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.

f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.

g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.

h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may be allowed to project over 75 percent of the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

D. ADDITIONAL STANDARDS.

For additional standards see Articles 11 through 16 of this chapter. [Formerly numbered Section 31-80; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3297, 3136, 3058.]

10-1-706: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in a C-1 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered

Section 31-81; Renumbered by Ord. No. 3058; Amended by Ord. No. 3587, eff. 11/3/01; 3190.]

10-1-707: DESIGN CRITERIA FOR IMPROVEMENTS IN C-1 ZONE:

The following design criteria shall apply to proposed improvements in the C-1 Zone:

1. The plan for the proposed improvement shall be compatible with the design, purpose and architectural characteristics of the Golden Mall.
2. The proposed improvement shall be in proportion to its building site and have a balance and unity among its external features so as to present a harmonious appearance.
3. Exterior materials and colors and any exterior lighting or landscaping shall be in keeping with the materials, colors, lighting, and landscaping of the Golden Mall.
4. The proposed improvement, in its exterior design and appearance, shall not cause any significant depreciation in the value of other property located on or in the vicinity of the Golden Mall. [Formerly numbered Section 31-81.2; Added by Ord. No. 2259; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 2. C-2 COMMERCIAL ZONE

10-1-708: PURPOSE:

The C-2 or Commercial Limited Business Zone is intended for the development of retail centers serving the shopping and personal service needs of the surrounding residential areas. [Formerly numbered Section 31-82; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-709: USES IN THE C-2 ZONE:

In the C-2 Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-83; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3457, 3404, 3263, 3058, 3050, 2588, 2423.]

10-1-710; 710.5 AND 711:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-712: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a C-2 Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use as follows:

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(i) 0 - less than 25 feet		1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)
(ii) 25 - less than 50 feet		25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iii) 50 - less than 150 feet		35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iv) 150 - less than 300 feet	0 - less than 300 feet	50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(v) 300 feet or greater (Not located in an adopted specific planning or redevelopment planning area)	300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(vi) 300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Maximum height limit to be determined through the Conditional Use Permit

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure height greater than 35 feet.

4. Structure height shall be measured from grade as defined by this chapter.

5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.

6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent R-3, R-4 and R-5 lots shall provide a minimum of ten (10) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent to R-1, R-1-H or R-2 property, a five (5) foot strip of the open space which lies adjacent the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H or R-2, the entire open space may be used for parking.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Structures, except above-grade parking structures, on lots with less than 75 feet of street frontage and with a height of no more than 25 feet, have no required front or street side yard setbacks on those frontages of 75 feet or less.

Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged.

c. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

- c. The planting of vines on masonry buildings is encouraged.
- d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.
- e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.
- f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.
- g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.
- h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may be allowed to project over 75 percent of the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

D. ADDITIONAL STANDARDS.

For additional standards see Articles 11 through 16 of this chapter. [Formerly numbered Section 31-86; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3297, 3136, 3058.]

10-1-713: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in a C-2 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered Section 31-87; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3058, 3017, 2930, 2193.]

DIVISION 3. C-3 COMMERCIAL ZONE

10-1-714: PURPOSE:

The C-3 or Commercial General Business Zone is intended for general business establishments and other commercial uses which are related directly to the highway for patronage. [Formerly numbered Section 31-88; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-715: USES IN THE C-3 ZONE:

In the C-3 Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-89; Amended by Ord. No. 3504, eff. 12/26/98; 3113, 3058, 3050, 2588, 2423.]

10-1-716; 716.5 AND 717:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-718: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a C-3 Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential uses as follows:

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(i) 0 - less than 25 feet		1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)
(ii) 25 - less than 50 feet		25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iii) 50 - less than 150 feet		35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iv) 150 - less than 300 feet	0 - less than 300 feet	50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(v) 300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(vi) 300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Maximum height limit to be determined through the Conditional Use Permit

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure height greater than 35 feet.

4. Structure height shall be measured from grade as defined by this chapter.

5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.

6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent to R-3, R-4, and R-5 lots shall provide a minimum of ten (10) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent to R-1, R-1-H, or R-2 property, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H, or R-2, the entire open space may be used for parking.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Structures, except above-grade parking structures, on lots with less than 75 feet of street frontage and with a height of no more than 25 feet, have no required front or street side yard setbacks on those frontages of 75 feet or less.

Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged.

c. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

- c. The planting of vines on masonry buildings is encouraged.
- d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.
- e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.
- f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.
- g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.
- h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may be allowed to project over 75 percent of the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

D. ADDITIONAL STANDARDS.

For additional standards see Articles 11 through 16 of this chapter. [Formerly numbered Section 31-92; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3297, 3136, 3058.]

10-1-719: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in a C-3 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered Section 31-93; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3058, 2930.]

DIVISION 4. C-4 COMMERCIAL ZONE

10-1-720: PURPOSE:

The C-4 Commercial Unlimited Business Zone is intended for general commercial uses, including wholesale and warehousing establishments and certain restricted manufacturing activities. [Formerly numbered Section 31-94; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-721: USES IN THE C-4 ZONE:

In the C-4 Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-95; Amended by Ord. No. 3504, eff. 12/26/98; 3180, 3113, 3058, 2588, 2423, 2194.]

10-1-722; 722.5 AND 723:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-724: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a C-4 Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential uses as follows:

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(i) 0 - less than 25 feet		1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)
(ii) 25 - less than 50 feet		25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iii) 50 - less than 150 feet		35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iv) 150 - less than 300 feet	0 - less than 300 feet	50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(v) 300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vi) 300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Maximum height limit to be determined through the Conditional Use Permit

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure height greater than 35 feet.

4. Structure height shall be measured from grade as defined by this chapter.

5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.

6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent R-3, R-4 and R-5 lots shall provide a minimum of ten (10) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent R-1, R-1-H or R-2 property, a five (5) foot strip of the open space which lies adjacent the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H or R-2, the entire open space may be used for parking.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Structures, except above-grade parking structures, on lots with less than 75 feet of street frontage and with a height of no more than 25 feet, have no required front or street side yard setbacks on those frontages of 75 feet or less.

Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged.

c. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

c. The planting of vines on masonry buildings is encouraged.

d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.

e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every 10 square feet of shrub area.

f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.

g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.

h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may be allowed to project over 75 percent of the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

D. ADDITIONAL STANDARDS.

For additional standards see Articles 11 through 16 of this chapter. [Formerly numbered Section 31-98; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3297, 3136, 3058.]

10-1-725: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in a C-4 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered Section 31-99; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3058, 3017, 2930, 2193.]

ARTICLE 8. INDUSTRIAL USES AND STANDARDS

DIVISION 1. M-1 INDUSTRIAL ZONE

10-1-801: PURPOSE:

The M-1 Limited Industrial Zone is intended for the development of industrial uses which include fabrication, manufacturing, assembly or processing of materials that are in already processed form. [Formerly numbered Section 31-100; renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-802: USES IN THE M-1 ZONE:

In the M-1 Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-101; Amended by Ord. No. 3504, eff. 12/26/98; 3464, 3457, 3439, 3400, 3376, 3335, 3180, 3113, 3058, 2731, 2691, 2626, 2588, 2554, 2522, 2423, 2235.]

10-1-803 AND 804:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-805: LOCATION AND OPERATION OF USES:

The following requirements shall apply to all uses in an M-1 Zone:

- A. All processing and assembly of goods shall be conducted completely within a building that is enclosed on all four (4) sides, unless otherwise specified.
- B. Operations that create noise, smoke, ash, dust, odor, ground vibration, heat, glare, humidity, radio disturbance, or radiation shall be so located, and conducted in such a manner, that they do not exceed the standards prescribed in Article 17 of this chapter, measured at the property lines of the use in question. [Formerly numbered Section 31-104; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-806: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in an M-1 Zone:

- A. STRUCTURE HEIGHT.
 - 1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential uses as follows:

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(i) 0 - less than 25 feet		1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)
(ii) 25 - less than 50 feet		25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iii) 50 - less than 150 feet		35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iv) 150 - less than 300 feet	0 – less than 300 feet	50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(v) 300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(vi) 300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Maximum height limit to be determined through the Conditional Use Permit

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure height greater than 35 feet.

4. Structure height shall be measured from grade as defined by this chapter.

5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.

6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent R-3, R-4 and R-5 lots shall provide a minimum of 15 foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the industrial property abuts or is any residential property, a five (5) foot strip of the open space which lies adjacent the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

Parking is allowed in the open space as long as Subsection (3) is satisfied.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line.

c. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

c. The planting of vines on masonry buildings is encouraged.

d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two (2) feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.

e. In required front and exposed side yards, a minimum of one (1) tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.

f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.

g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.

h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter."

D. MASONRY WALL.

A six (6) foot high decorative masonry wall shall be erected along every property line forming a boundary with a residential zone, except that along the front setback area of such residential zone the wall shall be reduced to three (3) feet.

E. OFF-STREET PARKING.

Yards may be used for off-street parking if consistent with this article.

F. ADDITIONAL STANDARDS.

For additional standards see Articles 11 through 16 of this chapter. [Formerly numbered Section 31-105; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3297, 3136, 3058.]

10-1-807: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in an M-1 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include by are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered Section 31-106; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3058, 3017, 2193.]

DIVISION 2. M-2 INDUSTRIAL ZONE

10-1-808: PURPOSE:

The M-2 General Industrial Zone is intended for the development of manufacturing process, fabrication and assembly of goods and materials. [Formerly numbered Section 31-107; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-809: USES IN THE M-2 ZONE:

In the M-2 Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-108; Amended by Ord. No. 3504, eff. 12/26/98; 3457, 3058, 2836, 2423, 2329.]

10-1-810 AND 811:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-812: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in an M-2 Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use as follows:

DISTANCE FROM R-1, R-1-H OR R-2 LOT LINE (OR COMPARABLE PD ZONE)	DISTANCE FROM R-3, R-4 OR R-5 LOT LINE (OR COMPARABLE PD ZONE)	MAXIMUM HEIGHT
(i) 0 – less than 25 feet		1 foot height per 1 foot distance for any part of the structure (roof and architectural features must also comply with maximum height restrictions within first 25 feet)
(ii) 25 – less than 50 feet		25 feet (roof and architectural features may exceed the maximum height up to 35 feet, if a 45° angle as depicted in Diagram No. 1 is maintained)
(iii) 50 – less than 150 feet		35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(iv) 150 – less than 300 feet	0 – less than 300 feet	50 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(v) 300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	300 feet or greater (not located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vi) 300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	300 to 500 feet (located in an adopted specific planning or redevelopment planning area)	70 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained)
(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Greater than 500 feet (located in an adopted specific planning or redevelopment planning area)	Maximum height limit to be determined through the Conditional Use Permit

2. The maximum height of a building, for those portions more than 25 feet from a R-1, R-1-H, and R-2 lot line, shall be measured to the ceiling height of the highest room permitted for human occupancy. The maximum height of a structure, for those portions of a

structure less than 25 feet from R-1, R-1-H, and R-2 lot line, shall be measured to any part of the structure.

3. Conditional Use Permit is required for structure higher than 35 feet.

4. Structure height shall be measured from grade as defined by this chapter.

5. For structures or portions of a structure between 25 feet and 50 feet from the R-1, R-1-H, R-2, or comparable PD zone, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle as depicted in Diagram No. 1 is maintained.

6. The portion of a structure within the distance requirement (e.g. 25 to less than 50 feet) shall meet the height requirement for that section (e.g. 25 feet). Should a structure extend beyond one (1) or more of the distance requirements, the portions of that structure may meet each height requirement separately.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide an open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent R-3, R-4, and R-5 lots shall provide a minimum of 15 foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the industrial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the industrial property abuts any residential property, a five (5) foot strip of the open space which lies adjacent residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

Parking is allowed in the open space as long as Subsection (3) is satisfied.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Above-grade parking structures shall be set back from the front lot line at least five (5) feet or 20 percent of building height, whichever is greater, but in no event shall the setback be less than three (3) feet. This setback requirement may be averaged. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade parking structures must be setback 20 feet from the residential property line.

c. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

d. For setbacks for surface parking lots, see Article 14, Division 4 of this Chapter.

3. Landscaping.

a. A minimum of 50 percent of front and exposed side yards shall be landscaped.

b. The provision of outdoor amenities and decorative hardscape, such as outdoor seating areas with benches permanently affixed to the ground or landscaped areas enriched with decorative materials which are under a tree canopy, shall be credited toward up to 50 percent of the required landscaping in all yards. Vehicular access areas may not be considered as decorative hardscape.

c. The planting of vines on masonry buildings is encouraged.

d. To qualify as landscaped area, all areas not occupied by trees or shrubs must be planted with turf or other ground cover with a minimum soil depth of 12 inches. All planters must be a minimum of 18 inches deep and two feet in their smallest inside dimension, unless a tree is required, in which case a three (3) foot planter depth shall be required and the planter must have a minimum inside dimension of four (4) feet.

e. In required front and exposed side yards, a minimum of one tree shall be planted for every 40 linear feet of street frontage or fraction thereof. Turf is allowed in up to 50 percent of required landscaped areas. In shrub areas, a minimum of one five (5) gallon shrub is required for every ten (10) square feet of shrub area.

f. A minimum of 50 percent of required trees shall be a minimum 36-inch box size, with the remainder a minimum 24-inch box size. The required 36-inch box trees shall be equally distributed in required front or street side yards.

g. If trees are planted in planters, the planters must have a minimum length and width of five (5) feet.

h. For additional landscaping requirements for above-grade parking structures and surface parking lots, see Article 14, Division 4 of this Chapter.

D. MASONRY WALL.

A six (6) foot high decorative masonry wall shall be erected along every property forming a boundary with a residential zone, except that along the front setback area of such residential zone the wall shall be reduced to three (3) feet.

E. OFF-STREET PARKING.

Yards may be used for off-street parking if consistent with this article.

F. ADDITIONAL STANDARDS.

For additional standards see Articles 11 through 16 of this chapter. [Formerly numbered Section 31-111; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3297, 3136, 3058.]

10-1-813: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in an M-2 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered Section 31-112; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3058, 3017, 2193.]

ARTICLE 9. MISCELLANEOUS USES AND STANDARDS

DIVISION 1. AIRPORT ZONE³

10-1-901: PURPOSE:

The Airport Zone is intended for the protection of the airport from uses that might restrict or inhibit its principal function as an air terminal facility. [Formerly numbered Section 31-113; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-902: USES IN THE AIRPORT ZONE:

In the Airport Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-114; Amended by Ord. No. 3504, eff. 12/26/98; 3439, 3058.]

10-1-903 AND 904:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-905: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in an Airport Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Formerly numbered Section 31-116; Renumbered by Ord. No. 3058; Amended by Ord. No. 3587, eff. 11/3/01; 3190, 3017, 2193.]

³State law reference: As to airport approaches zoning law in general, see Gov. C. Sections 50485-50485.14. As to authority to adopt, administer and enforce airport zoning regulations, see Gov. C. Section 50485.3. As to policy of state legislature toward airport zoning, see Gov. C. Section 50485.2. As to the incorporation of airport zoning regulations into comprehensive Zoning Ordinance regulating height of buildings, etc., see Gov. C. Section 50485.4. As to the requirement of reasonableness, see Gov. C. Section 50485.7. As to administration and enforcement of airport zoning regulations, see Gov. C. Section 50485.9. As to conflict between airport zoning plan and general zoning plan, see Gov. C. Section 50485.4.

DIVISION 2. CEMETERY ZONE

10-1-906: PURPOSE:

The Cemetery Zone is intended exclusively for the interment of deceased humans. [Formerly numbered Section 31-117; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-907: USES IN THE CEMETERY ZONE:

In the Cemetery Zone, uses are allowed as set forth in Section 10-1-502. [Formerly numbered Section 31-118; Amended by Ord. No. 3504, eff. 12/26/98; 3439, 3058.]

10-1-907.5 AND 908:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-909: UNLAWFUL TO BURY DEAD OUTSIDE CEMETERY ZONE:

It is unlawful to bury the dead anywhere in the City except in a Cemetery Zone. [Formerly numbered Section 31-120; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 3. RAILROAD ZONE

10-1-910: PURPOSE:

The Railroad Zone is intended to provide within the City areas to be devoted primarily to railroad uses. [Added by Ord. No. 2208; Formerly numbered Section 31-120.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-911: USES IN THE RAILROAD ZONE:

In the Railroad Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 2208; Formerly numbered Section 31-120.2; Amended by Ord. No. 3504, eff. 12/26/98; 3439, 3058.]

10-1-912 AND 913:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-914: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in a Railroad Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3190, eff. 5/26/90; Formerly numbered Section 31-120.45; Renumbered by Ord. No. 3058; Amended by Ord. No. 3587, eff. 11/3/01.]

DIVISION 4

[Repealed by Ord. No. 3343, eff. 6/26/93.]

DIVISION 5. OPEN SPACE ZONE

10-1-921: PURPOSE:

The Open Space Zone is intended to preserve land for public open space, to provide a variety of outdoor recreational opportunities throughout the City, and to conserve the natural amenities of the Verdugo Mountains. The Open Space Zone is to provide for land conservation, watershed areas, and recreational activities. The provision for additional open space for outdoor recreational opportunities through the dual use of existing facilities, such as land fill areas, water supply facilities, reservoirs, and utility easements, is also an open space land use objective. In addition, the Open Space Zone is to provide for the public health and safety by limiting the use of lands subject to flooding, slides, or other hazards, to open space uses.

The intent of the General Plan for the Open Space Zone is to provide for the implementation of the adopted Corridor Plan for the development of the Rim of the Valley Trail corridor; preserve the natural amenities of the Verdugo Mountains; provide for open space uses that are complimentary to the area's natural environment; preserve historical landmarks and irreplaceable natural features; preserve and maintain unobstructed critical links between major recreation areas and/or open space reservations, and to prevent any reduction in the amount of public open space land used primarily for recreational and conservation uses. [Added by Ord. No. 3249, eff. 6/1/91.]

10-1-922: USES IN THE OPEN SPACE ZONE:

In the Open Space Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3249; Amended by Ord. 3504, eff. 12/26/98; 3439.]

10-1-923:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-924: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected on any lot in an Open Space Zone, nor shall any permits thereto be issued until a Development Review Application has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3249, eff. 6/1/91; Amended by Ord. No. 3587, eff. 11/3/01.]

DIVISION 6. HISTORIC PRESERVATION REGULATIONS

10-1-925: PURPOSE:

This Division may be referred to as the "Historic Resource Management Ordinance." The intent of this Division is to recognize, preserve, and protect historic Resources in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people. The purpose of this Division is to:

- A. Safeguard the heritage of the City by preserving Resources that reflect elements of the City's history;
- B. Encourage public understanding and involvement in the historic, cultural, architectural, archaeological, and social heritage of the City;
- C. Promote the private and public use and preservation of historic Resources for the education, appreciation and general welfare of the people;
- D. Promote the conservation, preservation and enhancement of historic Resources;
- E. Promote the conservation of energy and natural resources through the preservation and maintenance of historic Resources;
- F. Discourage the demolition, destruction, alteration, misuse or neglect of Designated Historic Resources which represent an important link to Burbank's past;
- G. Provide economic benefits to owners of qualifying historic Resources to ensure their continued maintenance and preservation; and
- H. To make all information about historic Resources and historic preservation accessible and available to the public. [Added by Ord. No. 3381, eff. 10/15/94; Amended by Ord. No. 3812, eff. 6/24/11.]

10-1-926: CRITERIA FOR DESIGNATION OF HISTORIC RESOURCES:

Prior to any Resource being approved as a Designated Historic Resource, the City Council shall find that the Resource satisfies one or more of the following criteria.

The Resource:

- A. Is associated with events that have made a significant contribution to the broad patterns of Burbank's or California's history and cultural heritage.
- B. Is associated with the lives of persons important in the past.
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- D. Has yielded, or may be likely to yield, information important in prehistory or history. [Added by Ord. No. 3381, eff. 10/15/94; Formerly numbered Section 10-1-927 and Amended by Ord. No. 3812, eff. 6/24/11.]

10-1-927: PROCEDURE FOR DESIGNATION OF HISTORIC RESOURCES:

A. ELIGIBLE HISTORIC RESOURCES.

1. The Director may maintain a list of Eligible Historic Resources. The purpose of the list is to inform City staff, decision makers, and the public for future planning and decision making, and to inform property owners about the potential historic significance of their properties.

2. Identification as an Eligible Historic Resource does not impose any obligations or requirements not otherwise required by law. Determination of eligibility and inclusion on the list does not constitute a determination of significance for the purposes of environmental review under the California Environmental Quality Act.

3. Any person may request that the Director investigate a Resource to determine its eligibility. The request shall be made in writing, in a form deemed appropriate by the Director. The Director may require the requestor to submit information regarding the historic significance of the Resource including but not limited to photographs, plans, deeds, and any other materials that may provide information regarding the Resource. A fee for filing the request may be required if so specified in the Fee Resolution.

4. If determined eligible, the Director shall identify the Resource as an Eligible Historic Resource.

B. APPLICATION FOR DESIGNATION.

The owner of an Eligible Historic Resource may apply to have the Resource approved as a Designated Historic Resource. Such application shall be made in writing, in a form deemed appropriate by the Director. The application shall include the owner's consent to the designation and agreement to abide by the requirements of this Division through the execution of a covenant. The Director may require the owner to submit information regarding the historic significance of the Resource including but not limited to photographs, plans, deeds, and any other materials that may provide information regarding the Resource. An application fee may be required if so specified in the Fee Resolution.

C. HERITAGE COMMISSION REVIEW AND RECOMMENDATION.

Applications for approval of Designated Historic Resources shall be reviewed by the Heritage Commission at a public meeting. The Commission shall determine whether the Resource meets one (1) or more of the criteria for approval as a Designated Historic Resource and, based on this determination, shall recommend to the City Council that the application be approved or denied. The Heritage Commission shall adopt a resolution stating its recommendation, focusing on the criteria set forth in Section 10-1-926, and incorporating its reasons in support or denial of the application.

D. COUNCIL DESIGNATES RESOURCE.

Following the Heritage Commission's consideration of the application, the City Council shall hold a public hearing to consider the application. The applicant shall be provided with at least 15 days notice of the hearing date. Following the public hearing, the City Council shall adopt a resolution to approve or deny the application based on the criteria specified in Section 10-1-927. If the application is approved by the City Council, the Designated Historic Resource shall be added to the City's Register of Historic Resources.

E. COVENANT TO BE RECORDED.

If the application is approved by the City Council, the City shall record a signed covenant in the office of the County Recorder at the Resource owner's expense. The covenant, which shall run with the land and be binding on successors and assigns, shall specify which

elements of the Designated Historic Resource are to be protected; and state that any alteration or removal of these elements shall be done in accordance with Section 10-1-928. This covenant shall serve as notice of the approval as a Designated Historic Resource, and shall not be removed from the property without the consent of the City Council. [Added by Ord. No. 3381, eff. 10/15/94; Formerly numbered Section 10-1-928 and Amended by Ord. No. 3812, eff. 6/24/11.]

10-1-928: PROCEDURES AND CRITERIA FOR ACTIONS SUBJECT TO REVIEW:

A. PERMIT REQUIRED.

No person shall demolish, construct, move, change the appearance of or make alterations to any Designated Historic Resource without first obtaining a Permit to Alter a Designated Historic Resource. No building, demolition, or similar permit for such work shall be issued unless a Permit to Alter a Designated Historic Resource has been approved pursuant to this Section.

B. PROCEDURES FOR REVIEWING A PERMIT TO ALTER A DESIGNATED HISTORIC RESOURCE.

1. An application for a Permit to Alter a Designated Historic Resource shall be filed with the Director. The application shall be made in writing in a manner deemed appropriate by the Director. The Director may require the applicant to submit such additional information and materials as may be necessary for a complete review of the application by the Heritage Commission. An application fee may be required if so specified in the Fee Resolution.

2. The Heritage Commission shall consider the application for a Permit to Alter a Designated Historic Resource at a public meeting. The Commission shall not approve the application unless it makes all of the following findings.

a. The proposed alteration is consistent with the purpose and intent of the City's Historic Resource Management Ordinance.

b. The proposed alteration will not adversely affect the significance or value of the Designated Historic Resource.

c. The architectural style, design, arrangement, massing, texture, painted and unpainted surfaces, materials, and any other significant factors will not be affected in a way that detracts from the Designated Historic Resource or otherwise decreases the value of the Designated Historic Resource to the community.

3. In approving an application, the Heritage Commission may impose conditions or restrictions as it deems necessary or appropriate for the purpose of making the above findings. These conditions may require changes to the proposed alterations. The Heritage Commission shall adopt a resolution stating its decision and any imposed conditions.

4. A decision of the Heritage Commission regarding an application for a Permit to Alter a Designated Historic Resource may be appealed by any person to the City Council. Such appeal shall be submitted in writing in a form deemed appropriate by the Director and shall be accompanied by payment of an appeal fee if specified in the Fee Resolution. Any appeal shall be submitted within 15 days of the date the Heritage Commission adopts its resolution to approve or deny the permit.

5. The City Council shall hold a public hearing to consider an appeal of the Heritage Commission's decision. Notice of the hearing shall be provided to the Resource owner, permit applicant, and appellant at least 15 days prior to the hearing. Upon conclusion of the hearing, the City Council shall adopt a resolution approving or denying the application and imposing any conditions deemed appropriate.

C. EXEMPTIONS TO REQUIREMENT FOR PERMIT TO ALTER A DESIGNATED HISTORIC RESOURCE.

1. Ordinary Maintenance and Repair.

A Permit to Alter a Designated Historic Resource is not required for the ordinary maintenance and repair of any Designated Historic Resource, so long as such maintenance and repair does not involve a change in exterior design, material, or appearance. The Heritage Commission may authorize staff to develop and implement a procedure to approve ordinary maintenance and repair activities meeting the above description.

2. Public Health and Safety.

A Permit to Alter a Designated Historic Resource is not required for construction, reconstruction, alteration, restoration or demolition that the Building Official certifies is required to protect public health or safety because of an unsafe or dangerous condition.

3. Economic Hardship.

The owner of a Designated Historic Resource may request to be exempted from the permit requirement and carry out work that may adversely affect the value or significance of a Designated Historic Resource on the basis of extreme financial hardship or adversity. Such request shall be submitted by the owner and considered by the Heritage Commission (and City Council if appealed) in the same manner as an application for a Permit to Alter a Designated Historic Resource. The Director may require the owner to furnish material evidence supporting the request for exemption.

The Heritage Commission, and City Council if appealed, shall approve the request for exemption only if all the following findings are made:

a. Requiring the owner to obtain a permit, or preventing the owner from carrying out the requested work, would deprive the owner of all reasonable use of, or economic return on, the property on which the Designated Historic Resource is located.

b. Requiring the owner to obtain a permit or preventing the owner from carrying out the requested work would cause an immediate hardship because of conditions unique to the specific Designated Historic Resource involved.

c. The damage to the owner would be unreasonable in comparison to the benefit conferred to the community by the Designated Historic Resource. [Added by Ord. No. 3381, eff. 10/15/94; Formerly numbered Section 10-1-929 and Amended by Ord. No. 3812, eff. 6/24/11.]

10-1-929: DUTY TO MAINTAIN STRUCTURES AND PREMISES:

The owner, lessees, and any other responsible persons shall take all steps necessary to maintain the Designated Historic Resource in good condition, and to prevent any deterioration or decay that would adversely affect the value or integrity of the Designated Historic Resource. Failure to maintain the Designated Historic Resource in accordance with this Section is a violation of the Burbank Municipal Code and is subject to prosecution. [Added by Ord. No. 3381, eff. 10/15/94; Formerly numbered Section 10-1-930 and Amended by Ord. No. 3812, eff. 6/24/11.]

10-1-930: CRITERIA FOR DESIGNATION OF HISTORIC DISTRICTS:

Prior to any area being approved as a Historic District, the City Council shall find that a minimum of 60 percent of the parcels of land in the proposed Historic District satisfy one (1) or more of the same criteria listed below, which criteria form the basis for designation of the proposed Historic District:

- 1. The contributing resources embody the distinctive characteristics of a type, period, region, or method of construction, represent the work of a master, or possess high artistic values.
- 2. The contributing resources reflect significant geographical patterns, including those associated with different areas of settlement and growth; particular transportation modes; or distinctive examples of a park landscape, site design, or community planning.
- 3. The contributing resources are associated with, or are unified by, events that have made a significant contribution to the broad patterns of Burbank’s history.
- 4. The contributing resources are associated with the lives of persons important to local, state, or national history. [Renamed and Amended by Ord. No. 3826, eff. 8/17/12.]

10-1-931:

[Added by Ord. No. 3779, eff. 5/7/10; Deleted by Ord. No. 3812, eff. 6/24/11.]

10-1-932: PROCEDURE FOR DESIGNATION OF HISTORIC DISTRICTS:

A. APPLICATION FOR DESIGNATION.

An application for Historic District designation may be submitted by the owner of a parcel of land within the boundaries of the proposed Historic District. Such application shall be made in writing, on a form provided by the Director, and shall include a map of the proposed Historic District and photographs of the properties to be included in the Historic District. The Director may require the owner to submit supplemental information regarding the historic significance of the proposed Historic District. An application fee may be required if so specified in the City of Burbank Fee Resolution.

B. COMMUNITY MEETING.

Once an application has been deemed complete, the Community Development Director will host a community meeting prior to any action being taken to approve or deny the application. The purpose and intent of the community meeting is to provide information about the proposed Historic District and designation process. Mailed notice shall be provided to every occupant and owner of property, as shown on the latest equalized assessment roll, within the proposed Historic District and within 1000 feet of the proposed Historic District. Such notice shall be mailed no less than ten (10) days prior to the scheduled community meeting date and shall include information about the proposed Historic District.

C. HERITAGE COMMISSION PRELIMINARY DETERMINATION.

1. The Heritage Commission shall hold a public hearing to preliminarily consider the application for Historic District designation.
2. Notice of the public hearing shall be provided to property owners and occupants consistent with Section 10-1-932(B).
3. The Heritage Commission shall preliminarily determine whether the proposed Historic District meets one (1) or more of the criteria for approval set forth in Section 10-1-930 without consideration of whether 60 percent of the parcels of land within the proposed Historic District individually meet such criteria. Based on this determination, the Heritage Commission may authorize circulation of a Petition Requesting a Historic Resource Survey. The Heritage Commission shall adopt a resolution stating its preliminary determination, focusing on the criteria set forth in Section 10-1-930, and incorporating its findings in support or denial of the application.
4. The determination of the Heritage Commission shall be provided to property owners and occupants consistent with Section 10-1-932(B).
5. The determination of the Heritage Commission is appealable to the City Council.

D. PETITION REQUESTING A HISTORIC RESOURCE SURVEY.

1. Within 90 days of a preliminary determination of eligibility by the Heritage Commission, or the City Council's action on appeal, the applicant shall submit a Petition Requesting a Historic Resource Survey to the Director on a form provided by the Director. The petition shall be signed by owners of at least 25 percent of the parcels of land in the proposed Historic District. Should the applicant fail to provide a petition with sufficient signatures within 90 days, the application shall be deemed denied and may not be re-submitted for a period of six (6) months following the date of denial.
2. A 90 day extension may be granted at the discretion of the Director. Any request for an extension must be made prior to the expiration of initial 90 day period.
3. For the purpose of this section, for a signature to be considered valid, the petition shall be signed by one (1) of the following, as shown on the latest equalized assessment roll:
 - a. Where the property is held by a single individual, that individual shall sign the petition;
 - b. Where the property is held by multiple owners, including joint tenancy, tenants in common, tenants in partnership or community property, each property owner shall sign the petition;
 - c. Where the property is held by a business entity, such as a corporation, limited partnership, general partnership, or limited liability, an authorized agent of such business entity shall sign the petition;
 - d. Where the property is a common interest development, as defined in California Civil Code Section 1351, the authorized agent of the homeowners association or other agent designated in the common interest development's governing documents shall sign the petition; or
 - e. Where the property is held in trust, all co-trustees shall sign the petition unless the California Probate Code allows otherwise.

4. Properties owned by any public agency shall not be considered, either as signatories or when determining the total number of properties, in judging whether a petition has sufficient signatures.

5. Upon receipt of the Petition Requesting a Historic Resource Survey, the Director shall verify that the petition contains the required number of signatures and that all signatures are valid. If budget authorization is required, the Director shall forward a funding request to the City Council for its approval. Notice of the Director's decision will be provided to properties consistent with Section 10-1-932(B).

E. PREPARATION OF HISTORIC RESOURCE SURVEY.

Staff will prepare, or cause to be prepared, a Historic Resource Survey consistent with the Department of Interior's standards for local surveys. The Historic Resources Survey shall identify within the boundaries of the proposed district the contributing resources and non-contributing resources.

F. PREPARATION OF DESIGN GUIDELINES.

Pursuant to Section 10-1-933(A), the Secretary of Interior Standards for the Treatment of Historic Properties will be used as design guidelines for the review of work proposed for properties within any adopted Historic District. Concurrent with the preparation of the Historic Resource Survey, staff will determine whether there is a need for local design guidelines as a supplement to the Secretary of Interior Standards. In the event local design guidelines are necessary for a proposed Historic District, draft local guidelines will be developed for consideration by the Heritage Commission, Planning Board and City Council during their respective reviews.

G. HERITAGE COMMISSION REVIEW OF SURVEY AND LOCAL DESIGN GUIDELINES.

1. Following preparation of the Historic Resource Survey and any draft local Historic District design guidelines, the Heritage Commission shall hold a public hearing to consider the Historic Resources Survey and any local design guidelines.

2. Notice of the public hearing shall be provided to property owners and occupants consistent with Section 10-1-932(B).

3. The Commission shall determine the following:

a. Whether the Historic Resources Survey is consistent with the Department of Interior's standards for local surveys;

b. Whether the Historic Resource Survey confirms the eligibility of the proposed Historic District based upon the criteria set forth in Section 10-1-930;

c. Whether any proposed local design guidelines are necessary and appropriate for the proposed Historic District;

d. Identification of the contributing resources and non-contributing resources; and

e. Whether to authorize circulation of a Petition Requesting a Historic District Designation.

4. The Heritage Commission shall adopt a resolution stating its determination and incorporating its findings in support or denial of the Historic Resources Survey and the authorization for a Petition Requesting a Historic District Designation.

5. The determination of the Heritage Commission shall be provided to property owners and occupants consistent with Section 10-1-932(B).

6. The determination of the Heritage Commission is appealable to the City Council.

H. PETITION REQUESTING HISTORIC DISTRICT DESIGNATION.

1. Within 180 days of the Heritage Commission's, or the City Council's action on appeal, the applicant shall submit a Petition Requesting a Historic District Designation to the Director on a form provided by the Director. The petition shall be signed by owners of at least 50 percent plus one (1) of the parcels of land in the proposed Historic District. Should the applicant fail to provide a petition with sufficient signatures within 180 days, the application shall be deemed denied and may not be re-submitted for a period of six (6) months following the date of denial.

2. A 90 day extension may be granted at the discretion of the Director. Any request for an extension must be made prior to the expiration of the initial 180 day timeframe.

3. Upon receipt of the Petition Requesting a Historic District Designation, the Director shall verify that the petition contains the required number of signatures and that all signatures are valid consistent with Section 10-1-932(D)(3).

I. MODIFICATIONS TO HISTORIC DISTRICT APPLICATION.

If at any time during the application process the applicant requests to modify the application for Historic District designation, the revised application shall be reviewed by the Director to determine if additional noticing to potentially affected residents is necessary. Revised applications may merit additional consideration by the Heritage Commission to determine if the proposed changes are consistent with eligibility determinations, require additional survey, or require additional petition signatures.

J. HERITAGE COMMISSION REVIEW AND RECOMMENDATION.

If a Petition Requesting Historic District Designation is verified to contain 50 percent plus one (1) owner approval as required under Subsection H above, the Heritage Commission shall hold a public hearing to consider the proposed application and recommend approval or denial to the City Council. Notice shall be provided to properties consistent with Section 10-1-932(B). In making its recommendation, the Commission shall determine the following:

- a. Whether the proposed Historic District meets the criteria set forth in Section 10-1-930;
- b. Whether the Historic Resources Survey is consistent with the Department of Interior's standards for local surveys;
- c. Whether the proposed local design guidelines, if any, are necessary and appropriate for the proposed Historic District; and
- d. Identification of the contributing resources and non-contributing resources.

The Heritage Commission shall adopt a resolution stating its recommendation and incorporating its findings in support or denial of the application.

K. PLANNING BOARD REVIEW AND RECOMMENDATION.

Following the Heritage Commission's consideration of the application pursuant to Subsection J above, the Planning Board shall hold a public hearing to consider the application and recommend approval or denial to the City Council. Notice shall be provided to properties consistent with Section 10-1-932(B). In making its recommendation, the Planning Board shall determine the following:

- a. Whether the proposed Historic District meets the criteria set forth in Section 10-1-930;
- b. Whether the Historic Resources Survey is consistent with the Department of Interior's standards for local surveys;
- c. Whether the proposed local design guidelines, if any, are necessary and appropriate for the proposed Historic District; and
- d. Identification of the contributing resources and non-contributing resources.

The Planning Board shall adopt a resolution stating its recommendation and incorporating its findings in support or denial of the application.

L. COUNCIL DESIGNATES DISTRICT.

Following the Planning Board's consideration of the application, the City Council shall hold a public hearing to consider the application to designate a Historic District. Notice shall be provided to properties consistent with Section 10-1-932(B). The Council shall make the following determinations:

- a. Whether the proposed Historic District meets the criteria set forth in Section 10-1-930;
- b. Whether the Historic Resources Survey is consistent with the Department of Interior's standards for local surveys;
- c. Whether the proposed local design guidelines, if any, are necessary and appropriate for the proposed Historic District; and
- d. Identification of the contributing resources and non-contributing resources.

The Historic District shall be adopted by Ordinance and incorporated into the Zoning Ordinance. The Ordinance shall, at a minimum:

- a. Establish the boundaries of the new Historic District;
- b. Identify the contributing and non-contributing resources; and
- c. Establish any necessary and appropriate local design guidelines.

If the application is approved by the City Council, the Historic District shall be added to the City's Register of Historic Resources.

M. MODIFICATION OR DELETION OF A HISTORIC DISTRICT.

The procedures for modification or deletion of a Historic District shall follow the procedures outlined in this Section and elsewhere in the Burbank Municipal Code as applicable. [Added by Ord. No. 3826, eff. 8/17/12.]

10-1-933: PROCEDURES AND CRITERIA FOR ACTIONS SUBJECT TO REVIEW:

A. DESIGN GUIDELINES

The Secretary of Interior Standards for the Treatment of Historic Properties, as may be amended from time to time, are incorporated herein by this reference. These standards shall be used as design guidelines for the review of work proposed for properties within any adopted Historic District. Any local design guidelines approved by the City Council for a Historic District shall apply in addition to the Secretary of Interior Standards for the Treatment of Historic Properties.

B. REVIEW OF CONFORMING WORK.

1. The Director shall review all zoning clearances for Contributing Resources within a Historic District to determine each of the following:

a. If the proposed work is for ordinary maintenance and repair of any exterior architectural feature which does not involve a change in design, material, outward appearance, excluding changes to paint color;

b. If the proposed work is for interior renovation and/or modifications that do not adversely affect elements which form the basis for the designation of the Historic District;

c. If the proposed work is an addition, the work does not increase the height of the original structure and is not taller than the original structure, is not visible from the public right-of-way and does not adversely affect elements which form the basis for the designation of the Historic District ;

d. If any demolition is in response to a natural disaster; and

e. If the proposed work is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and any local design guidelines for the Historic District.

If the proposed work does not meet the applicable criteria, listed above, then a Permit To Alter a Contributing Resource shall be pursuant to Section 10-1-933 (C).

2. The Director shall review all zoning clearances for Non-Contributing Resources within a Historic District to determine each of the following:

a. If any exterior modifications or additions are generally consistent with the massing, size, scale, architectural features and historic character of the Historic District and do not adversely affect elements which form the basis for the designation of the Historic District; and

b. If the proposed work is for interior renovation and/or modifications and do not affect the exterior of the structure.

If the proposed work does not meet applicable criteria, listed above, then a Permit To Alter a Non-Contributing Resource shall be necessary pursuant to Section 10-1-933 (D).

3. Determinations made by the Director are appealable to the Heritage Commission.

C. REVIEW OF PERMIT TO ALTER A CONTRIBUTING RESOURCE.

1. Work on a Contributing Resource that is not specified in Section 10-1-933(B)(1) is considered non-conforming work.

2. All non-conforming work to a Contributing Resource shall require a Permit to Alter a Contributing Resource.

3. An application for a Permit to Alter a Contributing Resource shall be filed with the Director. The application shall be made in writing in a manner deemed appropriate by the Director. The Director may require the applicant to submit such additional information and materials as may be necessary for a complete review of the application by the Heritage Commission. An application fee may be required if specified in the City of Burbank Fee Resolution.

4. The Heritage Commission shall consider the application for a Permit to Alter a Contributing Resource at a public meeting. The Commission shall not approve the application unless the project complies with the Secretary of the Interior's Standard for the Treatment of Historic Properties and any local design guidelines. The Commission shall also find that the work shall not adversely affect elements which form the basis for the designation of the Historic District.

5. Determinations made by the Heritage Commission are appealable to the City Council.

D. REVIEW OF PERMIT TO ALTER A NON-CONTRIBUTING RESOURCE.

1. Work on a Non-Contributing Resource other than that specified in Section 10-1-933(B)(2) is considered non-conforming work.

2. All non-conforming work to a Non-Contributing resource shall require a Permit to Alter a Non-Contributing Resource.

3. An application for a Permit to Alter a Non-Contributing Resource shall be filed with the Director. The application shall be made in writing in a manner deemed appropriate by the Director. The Director may require the applicant to submit such additional information and materials as may be necessary for a complete review of the application by the Heritage Commission. An application fee may be required if specified in the Fee Resolution.

4. The Heritage Commission shall consider the application for a Permit to Alter a Non-Contributing Resource at a public meeting. The Commission shall not approve the application unless the project complies with any design guidelines applicable to Non-Contributing Resources and the following findings:

a. The design of new construction shall subtly differentiate the new construction from the surrounding historic built fabric, and shall be contextually compatible with the massing, size, scale, and architectural features of nearby structures in the Historic District; and

b. the work shall not adversely affect elements which form the basis for the designation of the Historic District.

5. Determinations made by the Heritage Commission are appealable to the City Council.

E. EXEMPTIONS TO REQUIREMENT FOR PERMIT TO A CONTRIBUTING OR NON-CONTRIBUTING RESOURCE.

1. Prior Designation.

A Designated Historic Resource within a Historic District shall be subject to the requirements for a Permit to Alter a Historic Resource in Section 10-1-928(B), unless the proposed improvement is exempted from the requirement pursuant to Section 10-1-928(C).

2. Public Health and Safety.

A Permit to Alter a Contributing or Non-Contributing Resource is not required for construction, reconstruction, alteration, restoration, or demolition that the Building Official certifies is required to protect public health or safety because of an unsafe or dangerous condition.

3. Economic Hardship

The owner of a property within a Historic District may request to be exempted from the permit requirement and carry out work that may adversely affect the value or significance of the Historic District on the basis of extreme financial hardship or adversity. Such request shall be submitted by the owner and considered by the Heritage Commission (and City Council if appealed) in the same manner as an application for a Permit to Alter a Contributing or Non-Contributing Resource. The Director may require the owner to furnish material evidence supporting the request for exemption.

4. The Heritage Commission, and City Council if appealed, shall approve the request for an exemption only if all of the following findings are made:

a. Requiring the owner to obtain a permit, or preventing the owner from carrying out the requested work, would deprive the owner of all reasonable use of, or economic return on, the property.

b. Requiring the owner to obtain a permit or preventing the owner from carrying out the request work would cause an immediate hardship because of conditions unique to the property.

c. The damage to the owner would be unreasonable in comparison to the benefit conferred to the community by maintaining the overall aesthetic of the Historic District. [Added by Ord. No. 3826, eff. 8/17/12.]

10-1-934: DUTY TO MAINTAIN STRUCTURES AND PREMISES:

The owner, lessees, and any other responsible persons shall take all steps necessary to maintain properties within the Historic District in good condition and to prevent any deterioration or decay that would adversely affect the value, integrity or elements, which form the basis of the Historic District. Failure to maintain properties within the Historic District in accordance with this Section is a violation of the Burbank Municipal Code, and shall constitute a nuisance. [Added by Ord. No. 3826, eff. 8/17/12.]

10-1-935: HISTORIC PRESERVATION INCENTIVES:

A. PURPOSE.

The purpose of this Section is to implement the Mills Act which is set forth in California Government Code Sections 50280 et seq., and California and Revenue Code Section 1161, and as those sections may be amended from time to time (hereafter collectively, the "Mills

Act”) in order to establish a process to enter into contracts with owners of property that has previously been designated as a qualified historic, as defined in the Mills Act, for property tax relief and for the preservation of those historic properties. The City has imposed a limit of three (3) Mills Act contracts per year or a limit on the estimated unrealized property tax revenue loss at \$30,000 per year; however, the Council may waive the limitation in any specific case or Council may make a contract effective the following year.

B. APPLICATION REQUIREMENTS.

1. Application. A property owner shall complete an application form provided by the Director. The application shall include, but not be limited to, the following: a) Historic Property Description; b) detailed proposed preservation work plan narrative which describes the improvements, maintenance and preservation over the life of the contract (which may be Exhibit B to the contract); c) grant deed (with legal description of property which may be Exhibit A to the contract) and property ownership statement; d) Historic Property Inspection report confirming how the work plan is consistent with the historic designation; e) estimated property tax savings; f) estimated cost of improvements and estimated timing for completion of improvements (which also may be used as Exhibit C to the contract); g) photographs of property. The Director may set deadlines for submittal of applications in order to provide the County Assessor’s Office with ample time to process the contract. In the event prioritization ranking is necessary, the Director reserves the right to create such procedures.

2. Fees. The City may charge a fee to recoup all Mills Act contract processing and administrative costs if specified in the Burbank Fee Resolution or if specified in any Mills Act contract.

3. City Review and Heritage Commission recommendation. Once the application is complete, the Director shall, after providing the property owner with at least 15 days notice, request the Heritage Commission to review the application, and to make recommendations to the City Council on the merits of the proposed application. The Commission may propose modifications to the work plan as it deems necessary.

4. City Council Action. The Director shall request Council consideration of the Mills Act contract, after providing the property owner with at least 15 days notice. Council may in its sole and absolute discretion authorize the Director’s execution of the Mills Act contract.

C. PROVISIONS IN MILLS ACT CONTRACTS.

1. The required provisions of a Mills Act contract between the City and the property owner shall be those specifically required by the Mills Act, as well as any other requests by the City Council, which may include the following:

a. Term: The term of the contract shall be a minimum of ten (10) years. On the anniversary date of the contract, or such other date as specified in the contract, a year shall be automatically added to the initial term of the contract unless a notice of nonrenewal is given to the owner at least 60 days prior to the renewal date. In the event the property owner chooses to terminate the contract, then the property owner shall provide the Director with a notice of nonrenewal at least 90 days prior to the renewal date.

b. Verification of Compliance with Work Plan. The owner will agree to permit periodic examination of the interior (if applicable) and exterior of the property, as may be necessary to verify the owner's compliance with the contract. Owner will agree to allow City to photograph the historic property. Owner further will agree to provide any information requested to ensure compliance with the contract. The City is not obligated to inspect, and annual self certification of compliance may be required as provided for in Subsection (D).

c. Recordation of Contract. The contract shall be recorded by the Los Angeles County Recorder's office and shall be binding on all successors-in-interest of the owner. The City Clerk shall record the contract, at applicant's cost, no later than 20 days after the City enters into the contract.

d. Notice to State. The Owner shall provide written notice of the contract to the State of California Office of Historic Preservation within six (6) months of entering into the contract.

e. Annual Report Required. The contract shall require the owner to file an annual report, on its progress of implementing the work plan or restoration or rehabilitation with the Director until the work has been completed to the satisfaction of the Director. Thereafter, during the term of the contract, on an annual basis, the owner shall provide a report on the maintenance of the property, which report may require documentation of the owner's expenditures and actions taken to maintain the qualified historic property.

f. Cancellation of Contracts. The contract shall expressly provide for the City's authority to cancel the contract if the City determines that the owner has breached the contract either by his or her failure to restore or rehabilitate the property in accordance with the approved plan; by the failure to maintain the property as restored or rehabilitated; or if the owner has allowed its property to deteriorate to the point that it no longer meets the standards for a qualified historic property. No contract can be cancelled until the Council has given notice of, and held a public hearing on, the matter. Notice shall be mailed to the owner and published at least once in a newspaper of general circulation in accordance with the Mills Act.

g. Alternative to Cancellation if breach. As an alternative to cancellation, the City may bring an action for specific performance or other action necessary to enforce the contract.

h. Cancellation Fee. The contract may also reiterate the Mills Act requirement of a cancellation fee. If the City cancels the contract, the owner shall pay the State of California a cancellation fee of 12.5 percent of the current market value of the property, as determined by the county assessor as though the property was free of the contractual restriction.

i. Force Majeure Cancellations. The contract may require that in the event preservation, rehabilitation, or restoration of the qualified historic property becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty subject to concurrence by the County Assessor. However, in this event, a contract may not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

j. Work Plan Amendments including Improvements or Schedule. The contract may provide that modifications to the approved work plan require review and approval by the Heritage Commission.

D. MILLS ACT CONTRACT.

The Director and the City Attorney shall prepare and maintain a current Mills Act contract with all required provisions specified by state law and this section. [Added by Ord. No. 3381, eff. 10/15/94; Formerly Numbered Section 10-1-931; Formerly Numbered Section 10-1-930 and Amended by Ord. No. 3826, eff. 8/17/12; 3812.]

ARTICLE 10. SIGN AND ADVERTISING STRUCTURE REGULATIONS⁴

10-1-1001: PURPOSE:

The purpose of this Article is to maintain the attractiveness and orderliness of the City's appearance, preserve property values, and protect the public health, welfare, and safety, through the regulation of signs. [Formerly numbered Section 31-121; Amended by Ord. No. 3700, eff. 9/2/06; 3365, 3058.]

10-1-1002: APPLICABILITY AND EXEMPTIONS:

A. APPLICABILITY.

The provisions of this Article apply to all signs except advertising signs as defined in Section 10-1-203. Advertising signs and structures are prohibited uses in all zones per Burbank Municipal Code Section 10-1-502.

B. EXEMPTIONS.

The following signs are exempt from the provisions of this Article:

1. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person or entity giving legal notice.
2. Directional, warning or informational signs authorized by federal, state, or municipal authority or public utility.
3. Signs located on the interior of a building and intended to be viewed solely by the persons inside the building.
4. Signs that are not visible from the public right-of-way, a private street that is open to the public, or properties other than the one on which the sign is located.
5. Holiday decorations, not to exceed a total of six (6) weeks of display during any calendar year.

C. SIGN VARIANCE.

A Variance from the provisions of Sections 10-1-1004 through 10-1-1014 of this Article 10 may be granted by the Planning Board pursuant to Section 10-1-1918. [Formerly numbered Section 31-122; Amended by Ord. No. 3700, eff. 9/2/06; 3572, 3365, 3058.]

⁴State law reference: As to Outdoor Advertising Act, see B. & P.C. Sections 5200-5325.

10-1-1003: PERMITS AND EXEMPTION FROM PERMIT REQUIREMENT:

A. PERMITS AND FEES.

No person shall erect, construct, place, suspend, paint or attach any sign or portion thereof upon any property or upon any structure or enlarge, alter, repair, move, improve, renew, convert, or demolish any sign without first obtaining a sign permit, and building permit if required by the Building Code, from the Building Division and paying a fee as specified in the Burbank Fee Resolution. However, no permit or fee is required to change copy of a sign insert in an existing permitted sign so long as the change does not include any structural component of the sign.

B. EXEMPTIONS.

The following signs, while subject to all of the remaining regulations of this Article, are exempt from the permit requirements of this Section:

- 1. Real estate signs as permitted pursuant to Sections 10-1-1011(C) and 10-1-1012(D).
- 2. Temporary signs as permitted pursuant to Sections 10-1-1011(F), and 10-1-1012(G).
- 3. Flags as permitted pursuant to Sections 10-1-1011(I) and 10-1-1012(F), except that flag poles may require a building permit if required by the Building Code.
- 4. Signs advertising the sale of personal property as permitted pursuant to Section 10-1-1011(H).
- 5. Signs attached to the inside of windows as permitted pursuant to Section 10-1-1012(C). [Formerly numbered Section 31-123; Amended by Ord. No. 3700, eff. 9/2/06; 3365, 3283, 3058, 2930, 2295.]

10-1-1004: PROHIBITED SIGNS:

All signs that are not specifically permitted in this Article, including but not limited to the following types of signs, are prohibited:

- A. Captive Balloon & Inflatable Signs. This includes signs, or portions thereof, that hold their shape by receiving a one (1)-time or continuous supply of air or other gas.
- B. Self-Illuminating and Electronic Signs. This includes signs, or portions thereof, where any light source, including but not limited to incandescent bulbs, neon tubes, or light emitting diodes constitute the sign text, image, and/or border. This type of sign includes, but is not limited to electronic message boards; television screens; plasma screens; digital screens; flat screens; light emitting diode screens; video boards; other types of electric and electronic display boards and screens; and holographic displays. This is not intended to prohibit the use of light bulbs, neon tubes, light emitting diodes, or other such light sources only for the purpose of internal or external illumination. This is not intended to prohibit the use of such signs associated with drive through service when the signs are approved through a Conditional Use Permit.

C. Projected Signs. This includes signs that are formed by projecting the sign copy, image, text, and/or message into the sky or onto a surface, including but not limited to the ground or the side of a building. This includes signs that are created using projectors, light beams, lasers, holograms or holographic displays, or other such technologies. This is not intended to prohibit the limited and temporary use of sky lights or search lights directed into the sky when in conjunction with a grand opening or other special event.

D. Animated Signs. This includes signs, or portions thereof, that blink, flash, or emit a varying intensity of color or light.

E. Moving, Revolving or Rotating Signs. This includes signs, or portions thereof, having visible moving, revolving, or rotating parts, or visible movement of any kind, or giving the illusion of movement. Such movement may be achieved by wind, electrical, electronic, mechanical, or any other means. This is not intended to prohibit the manual changing of channel letters or numbers when the manual changing is part of the approved sign permit or movable hands on analog clocks. Media District displays as defined in Section 10-1-203 are exempted from this prohibition.

F. Parked Vehicle Signs. This includes signs located on or in, or attached to, a parked vehicle or trailer so as to be visible from a public right-of-way, for the purpose of directing people to a business or activity. This section is not intended to apply to standard identification practices where such signs are painted on or permanently attached to business vehicles that are in working condition and are used regularly in the business or activity.

G. Pennant Signs. This includes signs, or portions thereof, comprised of lightweight paper, cloth, fabric, plastic, or other material, whether containing an image, text, and/or message, suspended from a structure, rope, wire, or string, and designed to move in the wind, except as specifically permitted by this Article.

H. Temporary Signs. This includes any sign, banner, bunting, streamer, or other sign constructed of paper, cloth, fabric, plastic, cardboard, canvas, or other light, loose-fitting, fluttering or nonpermanent material, except as specifically permitted by this Article. [Formerly numbered Section 31-124; Amended by Ord. No. 3700, eff. 9/2/06; 3365, 3058, 2597, 2245.]

10-1-1005: GROUND SIGNS:

All ground signs as defined in Section 10-1-203 shall comply with the standards in the following table, as determined by the zone in which the sign is located. The area of all ground signs is included in the maximum sign area allowed per Sections 10-1-1011 and 10-1-1012.

	MPC-1 Zone	MPC-2 and MPC-3 Zones¹	All Other Zones
Maximum number of ground signs per parcel	1	1 (2 if street frontage is 75 feet or more)	1

Minimum front and side setback	None	5 feet	5 feet
Maximum height (as measured from nearest abutting ground surface)	4 feet	6 feet (4 feet if 2 signs provided)	25 feet
Maximum number of faces per ground sign	2	2	2
Maximum area per face	20 square feet	30 square feet (20 square feet if 2 signs provided)	50 square feet

1. In addition to the signs permitted in the above table, any parcel in the MPC-3 Zone with a street frontage of 35 feet or more is permitted to have one additional double-face ground sign not exceeding 25 feet in height or 50 square feet per face, and having minimum front and side setbacks of at least five (5) feet. [Formerly numbered Section 31-125; Previously Numbered 31-1015 and Amended by Ord. No. 3700, eff. 09/2/06; Amended by Ord. 3810, eff. 6/10/11; 3551, 3365, 3058, 2930, 2597, 2370, 2193.]

10-1-1006: PROJECTING SIGNS:

All projecting signs as defined in Section 10-1-203 shall comply with the standards in the following table, as determined by the zone in which the sign is located. The area of all projecting signs is included in the maximum sign area allowed per Sections 10-1-1011 and 10-1-1012.

	MPC-1 Zone	MPC-2 and MPC-3 Zones	BCC-1 Zone	All Other Zones
Maximum number of projecting signs per parcel	1	1	No limit	
Maximum height (as measured from top of nearest parapet wall or nearest roof surface where no parapet is present)	May not extend above roof or parapet	May not extend above roof or parapet	8 feet	
Maximum dimensions	5 feet wide and 5 feet vertical length	7 feet wide and 7 feet vertical length	No limit	
Maximum area of both faces combined	1.5 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	No limit	
Maximum thickness	3 feet if the projection is 3 feet or less; 2 feet, 6 inches if the projection is between 3 and 4 feet; 2 feet if the projection exceeds 4 feet			

<p>Maximum projection into public right-of-way where right-of-way is 20 feet or wider</p>	<p>6 inches where bottom of sign is less than 8 feet above ground surface; 1 foot where bottom of sign is 8 feet or more above ground surface, plus 6 inches for each additional foot above 8 feet up to a maximum of 5 feet</p>	<p>6 inches where bottom of sign is less than 8 feet above ground surface; 1 foot where bottom of sign is 8 feet or more above ground surface</p>	<p>6 inches where bottom of sign is less than 8 feet above ground surface; 1 foot where bottom of sign is 8 feet or more above ground surface, plus 6 inches for each additional foot above 8 feet up to a maximum of 5 feet</p>
<p>Maximum projection into public right-of-way where right-of-way is narrower than 20 feet</p>	<p>None permitted where bottom of sign is less than 14 feet above ground surface; 6 inches where bottom of sign is 14 feet or more above ground surface</p>		

[Formerly numbered Section 31-126; Previously Numbered 31-1018 and Amended by Ord. No. 3700, eff. 9/2/06; 3551, 3365, 3058, 2870, 2696, 2245.]

10-1-1007: WALL SIGNS:

All wall signs as defined in Section 10-1-203 shall comply with the requirements of this Section. The area of all wall signs is included in the maximum sign area allowed per Sections 10-1-1011 and 10-1-1012.

A. EXTENSION ABOVE ROOF.

No wall sign shall extend above the eave line or roof of the building or structure to which it is attached, or the highest parapet immediately adjacent thereto. Exceptions may be made to this requirement in all zones except the MPC-1, MPC-2, and MPC-3 zones if the sign is made of incombustible or approved plastic material and the following conditions are satisfied: There must be unobstructed passageways to the roof at roof or parapet level through or around the sign measuring at least four (4) feet in width, at each end of the sign, and at least every 50 feet in length thereof.

B. USE OF WOOD.

Wall signs which do not project more than six (6) inches from the building to which attached:

1. May have a wood supporting frame if the sign does not exceed 100 square feet in area and the frame is completely enclosed in metal;
2. May employ cutout letters of wood if the letters do not exceed 40 square feet in overall area; and
3. May be of wood construction if located on the street side and if no part thereof is more than 15 feet above the adjacent ground level.

C. MAGNOLIA PARK WALL SIGNS.

In the MPC-1 Zone, wall signs are limited to one (1) sign per street frontage. In the MPC-2 and MPC-3 zones, walls signs are limited to two (2) signs per street frontage. [Formerly numbered Section 31-127; Previously Numbered 31-1019 and Amended by Ord. No. 3700, eff. 9/2/06; 3676, 3365, 3058, 2696.]

10-1-1008: ROOF SIGNS:

Roof signs as defined in Section 10-1-203 must comply with the requirements of this Section. The area of all roof signs is included in the maximum sign area allowed per Sections 10-1-1011 and 10-1-1012.

A. DRAINAGE INTERFERENCE.

Blocks, angles or supports fastened to the roof shall be so located that they do not interfere with the drainage of the roof, and where necessary, flashing or counter-flashing shall be installed.

B. ROOF SIGN HEIGHT.

No roof sign shall exceed a height of 15 feet above the top of the parapet nearest the sign or above the highest point of the roof directly under the sign.

C. MEDIA DISTRICT.

Roof signs are prohibited in all Media District zones. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1020 and Amended by Ord. 3700, eff. 9/2/06; 3551.]

10-1-1009: AWNINGS AND MARQUEES:

All signs attached to awnings and marquees shall comply with the standards in the following table, as determined by the zone in which the sign is located. The area of all signs attached to awnings and marquees is included in the maximum sign area allowed per Sections 10-1-1011 and 10-1-1012.

	MPC-1, MPC-2, and MCP-3 Zones	All Other Zones
Maximum number of signs that may be attached to marquee	No limit	
Maximum size of sign attached to underside of permanent marquee	Maximum 2 faces with maximum 4 square feet per face	
Maximum size of sign attached to exterior edge or on top of permanent marquee	Maximum 1 foot in height	
Maximum number of signs that may be attached to an awning ¹	2	No limit

Maximum size of sign attached to an awning¹	Maximum 1 foot in vertical length and 4 feet in width	Maximum 1 foot in height
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1. Permitted only when an awning is less than 14 feet above ground surface. [Added by Ord. No. 3365, eff. 3/26/94; Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1010: SIGN LOCATIONS AND STANDARDS:

All signs shall comply with the following requirements:

A. No sign shall be erected, placed or maintained in such a manner that any portion of its surface or supports will obstruct or interfere in any way with the free use of any fire escape, exit, standpipe, or obstruct any required ventilator, door, stairway, or window.

B. No sign shall be erected, placed or maintained in such a manner that it will interfere with, obstruct, confuse or mislead traffic.

C. No sign shall project into any right-of-way used or intended to be used by the general public except for projecting signs as permitted in Section 10-1-1006 or when attached to a marquee or awning that projects into a right-of-way per Section 10-1-1009.

D. An illuminated sign within a residential zone or within 500 feet of a residential zone, measured along the radius of a 180 degree arc in front of any face of the sign, shall not have a surface brightness greater than 100 footlamberts, and shall be illuminated by a source which is not exposed to view from the residential zone. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1013 and Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1011: SIGNS IN RESIDENTIAL ZONES:

All signs in residential zones must comply with all applicable provisions of this Article. Signs in residential zones must also comply with the requirements of this Section. In the event of a conflict between other requirements of this Article and the requirements of this Section, the requirements of this Section rule in residential zones.

A. Signs in R-1, R-1-H and R-2 Zones, are limited to one (1) single-face sign not to exceed one (1) square foot in area, except as otherwise specified in this section.

B. Signs in R-3, R-4 and R-5 Zones, are limited to one (1) single-face sign not to exceed one (1) square foot in area for each two (2) linear feet of street frontage, except as otherwise specified in this section.

C. Each parcel in a residential zone may have one (1) real estate sign, limited to one (1) support, advertising the sale, lease or rental of the premises upon which the sign is located during such time as the property is actually for sale or for rent. Such sign may be double-faced and may include a maximum of two (2) rider signs. The area of a real estate sign, including rider signs shall not exceed seven (7) square feet. Such signs may not be banners or signs composed of paper or cardboard.

In addition to the real estate sign provided for herein, one additional temporary "open house" sign, which shall have at most two (2) faces and not greater than four (4) square feet per face, and up to four (4) pennants for each lot may be erected during an "open house" on residential properties. The term "open house" means a brief time that the owner, real estate agent / broker, or other person in control of real property invites the public onto the property solely for the purpose of viewing a residence which is for sale, lease or rent. Such pennants and if used, the additional temporary "open house" sign, may be displayed only on Saturdays, Sundays, and federal and state holidays from 12 noon until dusk or 6:00 p.m., whichever is earlier, and on Thursdays from 8:00 a.m. until 2:00 p.m. The pennants shall not exceed four (4) square feet in size, and may not be erected higher than seven (7) feet from grade. All pennants must be a minimum of ten (10) feet from the front yard property line. All pennants at any one property shall be of a consistent size and shall be affixed to the ground by a pole (no hanging pennants are allowed). This paragraph shall sunset on July 17, 2010.

D. Residential parcels may have signs announcing future building projects and may have signs on construction barriers during the time of construction.

E. The premises of a church or lawfully established place of public worship may have a maximum of two (2) signs used solely for the purpose of stating usual items of general interest relating to said church activities conducted on the premises, provided such church bulletins or announcement signs state the name of the church or religious denomination and do not exceed 50 square feet in area. If the sign is a ground sign, it may not exceed six (6) feet, six (6) inches in height above adjacent grade elevation.

F. The premises of a church or lawfully established place of public worship may have temporary signs erected in conjunction with special events to take place on the premises where such sign is erected such as a philanthropic campaign or church, circus, carnival or other community activity. Such signs shall not exceed 30 square feet in area, shall not be erected more than 14 days in advance of the event and shall be removed within three (3) days after the termination of the event. Such signs shall be well-secured and fastened so as not to flutter or flap loosely.

G. In the R-1-H Zone, signs may be erected on the premises of a legal commercial establishment, not including home occupations, not to exceed two (2) in number. One (1) sign, not to exceed six (6) square feet in area may be affixed to the front of the house or placed in the front setback of the property. One (1) sign, not to exceed 50 square feet in area may be affixed to the commercial building or otherwise located in the rear 15 feet of the property. Any ground signs may not exceed six (6) feet, six (6) inches in height above adjacent grade elevation.

H. One (1) double-faced sign may be erected per parcel, not to exceed six (6) square feet in area on any one side, advertising any sale of personal property permitted by Section 10-1-510 for a period not exceeding ten (10) days.

I. Flags may not exceed two (2) in number or a size of 60 square feet in area for each side of each flag. Flags shall be flown only from a flagstaff or flagpole that is 35 feet or less above grade. The flagstaff or flagpole must be affixed to a building or the ground.

J. In the R-2, R-3, R-4, and R-5 zones, all signs must comply with the requirements set forth in the following table:

	Type of Sign	
	Address	Project Identification (Optional)
Configuration	Wall sign	Monument sign integrated with wall/planter design
Materials	Wood, Metal, Plastic ^(1,3)	
Illumination	Back-lighting ⁽²⁾ or low level indirect 4' - 15' from property line at entry	Back-lighting ⁽²⁾ or ground mounted indirect 4' - 15' from property line
Location	4' - 15' from property line at entry	4' - 15' from property line
Maximum/Minimum Letter Height	10"/5"	12"/5"

Notes/Additional Requirements:

1. Plastic to have minimum thickness of 1.5".
2. Back-Lighting of numbers and letters only.
3. City Planner may approve use of similar material.

[Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1007 and Amended by Ord. No. 3764, eff. 7/17/09; 3700.]

10-1-1012: SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES:

All signs in commercial and industrial zones must comply with all applicable provisions of this Article. Signs in commercial and industrial zones must also comply with the requirements of this Section. In the event of a conflict between other requirements of this Article and the requirements of this Section, the requirements of this Section rule in commercial and industrial zones.

A. The maximum combined total area of all signs on a commercial or industrial parcel is set forth in the following table, and is determined by the zone in which the parcel is located. When a parcel is used by more than one (1) occupancy or business the allowable face area of such signs shall be divided among occupancies or businesses by the property owner. Within the Media District zones, the area of Media District displays as defined in Section 10-1-203 is not counted toward the total square footage. Within Magnolia Park zones, the area of wall murals is not counted toward the total square footage.

	BCC-1	MPC-1	MPC-2 and MPC-3	All Other Zones
Interior Parcels	2 square feet per linear foot of street frontage	2 square feet per linear foot of street frontage	3 square feet per linear foot of street frontage	3 square feet per linear foot of street frontage

Corner Parcels	2 square feet for each linear foot of narrowest street frontage plus 1 square foot for each linear foot of other street frontage	2 square feet for each linear foot of narrowest street frontage plus 1 square foot for each linear foot of other street frontage ⁽¹⁾	3 square feet for each linear foot of narrowest street frontage plus 1 square foot for each linear foot of other street frontage ⁽¹⁾	3 square feet for each linear foot of narrowest street frontage plus 1 square foot for each linear foot of other street frontage
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1. The additional one (1) square foot for each linear foot of other street frontage shall be utilized on that street frontage.

B. In addition to the maximum sign area specified in the above table, additional wall signs are allowed facing any parking area from which there is a customer entrance to the business. The total face area of the additional wall signs may not exceed one (1) square foot for each linear foot of building frontage on such parking area, except in the BCC-1 and MPC-1 zones, where the additional wall signs may not exceed two (2) square feet for each linear foot of building frontage on such parking area.

C. Signs may be attached to the inside of windows fronting on any street or parking area provided such signs do not cover more than 25 percent of the area of each window fronting on such street or parking area. Such signs may be temporary, as defined by Section 10-1-1004.

D. Each parcel in a commercial or industrial zone may have real estate signs not to exceed two (2) in number and not to exceed 32 square feet in total area, or 24 square feet in total area in the MPC-2 and MPC-3 zones, advertising the sale, lease or rental of the premises upon which the sign is located, during such time the property is actually for sale, lease or rent. Such signs may not be banners or signs composed of paper or cardboard.

E. Commercial and industrial parcels may have signs announcing future building projects and may have signs on construction barriers during the time of construction.

F. Two (2) flags per parcel are not counted toward the total sign area permitted per this Section, so long as the flags do not exceed 60 square feet for each side of each flag. Additional flags are permitted; however, the total face area of any additional flags shall be counted in the calculation of total signs as permitted per this Section. Flags shall be flown only from a flagstaff or flagpole that is 35 feet or less above grade. The flagstaff or flagpole must be affixed to a building or the ground.

G. Temporary signs may be erected in conjunction with special events such as a philanthropic campaign or church, circus, carnival or other community activity. Such signs shall not exceed 30 square feet in area, shall not be erected more than 14 days in advance of the event and shall be removed within three (3) days after the termination of the event. Such signs shall be well-secured and fastened so as not to flutter or flap loosely. [Deleted by Ord. No. 3546, eff. 8/19/00; Previously Numbered 31-1008 and Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1013: BANNERS FOR PROMOTIONAL PURPOSES: PERMITS AND ADDITIONAL REQUIREMENTS:

A. No person shall erect, place, suspend, or attach any banner for promotional purposes upon any property or to any structure without first obtaining a Temporary Banner Permit from the Community Development Department and paying a permit fee and separate deposit, as specified in the Burbank Fee Resolution.

B. Upon the issuance of a Temporary Banner Permit, the applicant shall receive a permit card from the Community Development Department. A valid permit card must be visibly displayed at all times that a banner for promotional purposes is displayed.

C. The separate deposit paid at the time of the application shall be refunded to the applicant if the applicant removes the sign and returns the permit card to the Community Development Department at the end of the 14 day period. If the applicant does not remove the sign and return the permit card on or prior to the next business day after the expiration date of the permit, the deposit shall not be refunded, unless the applicant can demonstrate, to the satisfaction of the Community Development Director, good cause why the sign was not removed and/or the permit card was not returned within the required timeframe.

D. Only one (1) banner may be displayed at a given street address at any time.

E. The term of each Temporary Banner Permit shall be 14 days, provided, however, that if a person displays a banner without first obtaining a permit, the term of the permit shall be 14 days beginning on the date the banner was erected. No more than two (2) Temporary Banner Permits for one (1) banner each shall be issued to any business in any calendar year.

F. Banners are not counted toward the maximum square footage specified in Sections 10-1-1011 and 10-1-1012. Such signs shall not exceed 30 square feet in area, provided, however, that where one single business occupies a parcel with more than 100 feet of linear street frontage, such business may display a banner with a sign area square footage of up to ten percent of the permitted square footage of permanent signs as calculated pursuant to Section 10-1-1011 or 10-131-1012 as applicable.

G. Banners shall be well-secured and fastened so as not to flutter or flap loosely. Banners must be constructed of durable material and must be maintained in good condition, so as not to show evidence of deterioration including peeling, rust, dirt, fading, discoloration or holes. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1009 and Amended by Ord. No. 3828, eff. 8/24/12; 3700.]

10-1-1014: BUNTING AND BANNERS AT AUTOMOBILE DEALERSHIPS: PERMITS AND ADDITIONAL REQUIREMENTS:

A. No person shall erect, place, suspend, or attach any bunting or banner to a light pole at an automobile dealership without first obtaining an Automobile Dealership Temporary Sign Permit from the Community Development Department and paying a permit fee and separate deposit, as specified in the Burbank Fee Resolution.

B. Upon the issuance of an Automobile Dealership Temporary Sign Permit, the applicant shall receive a permit card from the Community Development Department. A valid permit card must be visibly displayed at all times that a temporary sign is displayed.

C. The separate deposit paid at the time of the application shall be refunded to the applicant if the applicant removes the sign(s) and returns the permit card to the Community Development Department at the end of the six (6) month period. If the applicant does not remove the sign(s) and return the permit card on or prior to the next business day after the expiration date of the permit, the deposit shall not be refunded, unless the applicant can demonstrate, to the satisfaction of the Community Development Director, good cause why the sign(s) were not removed and/or the permit card was not returned within the required timeframe.

D. Bunting and banners at automobile dealerships are counted toward the maximum square footage specified in Section 10-1-1012. Bunting and banners shall be well-secured and fastened so as not to flutter or flap loosely. Bunting and banners must be constructed of durable material and must be maintained in good condition, so as not to show evidence of deterioration including peeling, rust, dirt, fading, discoloration or holes.

E. The term of each Automobile Dealership Temporary Sign Permit shall be six (6) months. If an applicant wishes to display a sign or signs which have previously been displayed for more than four (4) months, the Community Development Department shall inspect such signs prior to issuing an Automobile Dealership Temporary Sign Permit to determine if such signs are in compliance with Section 10-1-1017(A). No permit shall be issued for signs which are not in compliance with Section 10-1-1017(A). Whether or not a valid permit is in effect, no person shall display signs which are not in compliance with Section 10-1-1017(A). [Added by Ord. No. 3365, eff. 3/26/94; Amended by Ord. No. 3551, eff. 09/16/00; Previously Numbered 31-1010 and Amended by Ord. No. 3828, eff. 8/24/14; 3700.]

10-1-1015: SIGNS NEAR FREEWAYS¹:

The Building Official shall issue a permit for a sign within 500 feet from the edge of a freeway right-of-way only if in his/her opinion the sign will not constitute a hazard to the safe and efficient operation of motor vehicles upon the freeway and will not create a condition which endangers the safety of persons or property. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1011 and Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1016: IDENTIFICATION:

No person owning or controlling any sign shall fail, refuse or neglect to cause the name of the person erecting, constructing, owning or controlling such sign or structure and the weight of the sign or structure to be plainly marked, painted or outlined upon or above such structure in a conspicuous place thereon. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1021 and Amended by Ord. No. 3700, eff. 9/2/06.]

¹State law reference: As to applicability of state law for advertising displays near freeways, see B.&P.C. Section 5226.

10-1-1017: MAINTENANCE:

A. Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frames and fastenings free from deterioration, including discoloration, fading, holes, peeling, rot, rust, and loosening. They shall be able to safely withstand the wind pressure for which they were designed, and in no case less than 15 pounds per square foot. The property owner and occupant of the property where the sign is located shall comply with the sign maintenance obligations set forth in this subsection.

B. No person erecting, constructing, owning or controlling any ground sign shall fail, refuse or neglect to remove all weeds, rubbish or inflammable waste or material within a distance of five (5) feet on each side of the base of such sign or structure. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1022 and Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1018: OUTDATED SIGNS:

No sign shall advertise a business or product which is no longer conducted, sold, rented, distributed or manufactured on the premises 60 days after such discontinuance or abandonment. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1023 and Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1019: UNAUTHORIZED AND UNSAFE SIGNS AND ADVERTISING STRUCTURES:

Whenever a sign is found to be unsafe or maintained in violation of any provision of this Article, it shall be the duty of the Building Official to order such sign changed, repaired, reconstructed, demolished or removed, as may be necessary to make effective compliance with the provisions of this article. Any work required to be done shall be completed within ten (10) days of the date of said order. Failure, neglect, or refusal to comply with such order of the Building Official shall be grounds for the revocation of any permit granted under this article. [Added by Ord. No. 3365, eff. 3/26/94; Previously Numbered 31-1024 and Amended by Ord. No. 3700, eff. 9/2/06.]

10-1-1020; 1021; 1022; 1023 AND 1024:

[Deleted by Ord. No. 3700, eff. 9/2/06; Added by Ord. No. 3365, eff. 3/26/94.]

ARTICLE 11. GENERAL PROPERTY DEVELOPMENT REGULATIONS

10-1-1101: COMPLIANCE:

No lot or structure shall be created, erected, altered, or maintained contrary to the provisions of this chapter. [Formerly numbered Section 31-128; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1102: ERECTION OF MORE THAN ONE STRUCTURE ON A RESIDENTIAL LOT:

Not more than one (1) main structure occupied or intended to be occupied for a permitted or permissible use may be erected on a single residential lot, unless yard and other requirements of this chapter are met for each structure as though it were on an individual lot. [Formerly numbered Section 31-129; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1103: LOT TO HAVE FRONTAGE:

Every building shall be on a lot which has frontage of at least 20 feet on a public or private street. [Formerly numbered Section 31-130; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1104: FRONTAGE ON ALLEYS:

Alleys shall not be considered public streets for street frontage requirements of this chapter. [Formerly numbered Section 31-131; renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1105: HAZARDOUS AREAS:

The Public Works Director may require a fence or wall not less than six (6) feet in height along the perimeter of any area which he considers dangerous because of conditions or physical hazards on the property, such as frequent inundation, erosion, excavation, or grade differential. [Formerly numbered Section 31-132; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1106: USES IN COMPLETELY ENCLOSED BUILDINGS:

When a use is required to be conducted in a completely enclosed building there shall be no openings on any side that faces residentially zoned property except as otherwise allowed by this section. Stationary windows not capable of being opened are not considered openings within the meaning of this section. Openings for the ingress or egress of persons or vehicles shall be permitted on a side that faces residentially zoned property upon the condition and requirement that said openings shall not be allowed to remain open except during the passage of persons or vehicles through such openings. As used in this section, the side of an enclosed building faces residentially zoned property if any point on the outer surface of the subject side of said enclosed building is within 150 feet of any point on the property line of

said residentially zoned property as measured along any line within the horizontal scope of 45 degrees and 135 degrees from such point upon the surface of the subject side of said enclosed building. [Formerly numbered Section 31-133; Amended by Ord. No. 3503, eff. 12/26/98; 3058, 2707, 2420, 2205.]

10-1-1107: TRASH AND GARBAGE COLLECTION AREAS:

[Formerly numbered Section 31-134; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-1108: OPEN STORAGE AREAS MUST BE ENCLOSED:

Open storage areas in commercial and industrial zones shall have an opaque masonry wall surrounding the storage area at least six (6) feet in height and in good repair, except where the storage area is bounded by a building. The stored material shall be kept below the horizontal plane of the top of the wall. The provisions of this section shall not apply to the open display of merchandise for sale in connection with a use permitted in the zone. [Formerly numbered Section 31-135; Amended by Ord. No. 3503, eff. 12/26/98; 3058, 2598, 2420.]

10-1-1109: JUNK YARDS MUST BE FENCED:

Junk yards shall have an opaque masonry wall entirely surrounding the property, at least eight (8) feet in height and in good repair. The height of the junk, wrecked automobiles, airplanes, or other machinery shall be kept below the horizontal plane of the top of the wall. [Formerly numbered Section 31-136; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1110: ACCESSORY BUILDINGS CONVERTED TO LIVING QUARTERS:

No accessory building shall be structurally altered, converted, enlarged or maintained for the purpose of providing living quarters or dwelling units unless the accessory building and all enlargements thereof are made to conform to all the regulations of this chapter for new buildings. [Formerly numbered Section 31-137; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1111:

[Deleted by Ord. No. 3669, eff. 7/5/05; Added by Ord. No. 3127, eff. 10/22/88; Formerly numbered Section 31-137.1; Renumbered by Ord. No. 3058.]

10-1-1112: ROOF AND SHADE STRUCTURES:

No person shall erect, construct, place or maintain any roof or shade structure over a mobile home located within a mobile home park. [Formerly numbered Section 31-138; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1113:

[Added by Ord. No. 3181; Formerly numbered Section 31-139; Amended by Ord. No. 3548, eff. 9/2/00; Ord. No. 3267, 3247, 3200, 3058; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-1113.1: COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS:

A. ROOF DESIGN.

1. All parapets shall have returns equal to the height of the parapet. Parapets used for fire separation purposes should be visually integrated into the building.

2. All mansards shall be continuous on all sides of a building visible from neighboring properties and public rights-of-way, including those elevations facing a street, alley, yard, setback or open space. All mansards on all other elevations which are not exposed or visible to neighboring properties and public rights-of-way, shall have a return at least equal to the height of the mansard.

3. All roof mounted equipment shall be screened from view through the use of architectural screening systems which are visually integrated into building design with respect to color, material and form.

B. WINDOW TREATMENT.

Those buildings on lots with 75 feet or less of street frontage which are built to the street property line shall have a minimum 25 percent of the building facade on the ground floor devoted to window treatment.

C. BUILDING MATERIALS.

All facades visible to the public and surrounding neighbors must be designed, treated and finished in a manner compatible with the other visible sides of the building.

D. VARIATION ON PLANE.

All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings and horizontal setbacks.

E. ENTRIES.

Pedestrian entrances on exposed elevations shall be recessed and architecturally highlighted.

F. APPENDAGES, AWNINGS AND MARQUEES.

All appendages, awnings and marquees shall be flame resistant or erected with non-combustible materials and meet Uniform Fire Code requirements, and shall not protrude far enough to obstruct a ladder placed at ground level at a 70 degree angle to the building openings above the appendage, awnings or marquees.

G. EXTERIOR STAIRWAYS.

Enclosures or landscape barriers must be provided wherever there is less than seven (7) feet vertical clearance below stairs.

Front entry stair rails should be integrated into the overall building and site design. Thin section wrought iron and stair rails that have minimal form, mass or color reference to the design elements within the facades are discouraged.

Open risers are prohibited.

H. LOCATION AND SCREENING OF TRASH BINS.

Trash bins shall not be located in any required front or street side yard, but may be permitted within the required interior side and rear yards.

Trash enclosures shall be recessed or within the structure, or enclosed by a six (6)foot high masonry wall on three (3) sides and have a solid permanent metal gate(s).

Doors and gates of trash enclosures cannot swing out into any public right-of-way.

If the lot abuts an alley, the trash bin must be directly accessible from the alley.

I. This section deleted by Ord. No. 3548, eff. 9/2/00.

J. FENCES AND WALLS.

1. Height - Except as otherwise provided for property located at an intersection, the height of walls, fences and hedges may not exceed:

a. Three (3) feet above the finished grade of the lot within any required front yard and within the required side yard on the street side of a corner or reverse corner lot; provided, however, that where a parking lot abuts or is across the street from a residential zone, a six (6) foot high masonry wall may be constructed within the required front yard and within the required side yard on the street side of a corner or reverse corner lot to the extent specified in Article 14, Division 4 of this Chapter or in a Conditional Use Permit granted by the Board or the Council.

b. Eight (8) feet above the finished grade of the lot within any yard area behind the required front yard or required side yard on the street side of a corner or reverse corner lot except cutoff area.

Where topographic features or other conditions create an unnecessary hardship the Building Director may permit these height limits to be exceeded, provided the modification will not have a detrimental effect upon adjacent properties or conflict with architectural characteristics of the surrounding neighborhoods.

2. All fences and walls must comply with the corner cutoff provisions of Section 10-1-1303.

3. The requirements of this Subsection do not apply to security fencing maintained by a governmental entity. [Added by Ord. No. 3297, eff. 8/15/92; Amended by Ord. No. 3690, eff. 4/11/06; 3548.]

10-1-1114: ART IN PUBLIC PLACES:

A. DEFINITIONS.

For the purposes of this section, the following definitions apply:

DEVELOPMENT PROJECT: Shall mean any development which requires a building permit. If more than one (1) building is being constructed, then the Development Project shall be the sum of all building permits issued on one (1) legal lot or on more than one (1) legal lot if a covenant which runs with the land is recorded with the County Recorder's Office which holds two (2) or more lots as one for purposes of the art requirements herein. Development Projects exempt from this section are set forth in Subsection (K) below.

PROJECT DEVELOPER: Shall mean the owner, including its successor and assigns, of the subject property.

TOTAL PROJECT COST: Shall mean building valuation for a particular building or improvement for which a building permit is issued, as computed by using the latest Building Valuation Data as set forth by the International Conference of Building Officials (ICBO). Parking garages shall be excluded from the computation of Total Project Cost.

B. ART ALLOCATION REQUIREMENT.

Prior to the issuance of a building permit (or the first building permit, if several are being combined) for any non-exempt Development Project, the Project Developer shall have either (i) received approval from the Art in Public Places Committee authorizing the construction and installation for the lifetime of the Development Project of a work or works of public art on the project site pursuant to this section and the Guidelines below, or (ii) paid a fee to the Art in Public Places Fund established pursuant to this section in lieu of the obligation set forth in (i) above. This fee, if paid shall not be considered an impact fee as defined in Government Code Section 66000 et seq. Rather the fee is an alternative satisfaction of a development standard. Alternatively, the Project Developer may enter into an Art Deferral Agreement with the City whereby cash, or other security in a form acceptable by the City Attorney, in the amount of the in-lieu fee is deposited with the City prior to the issuance of building permit, and such fee (but not any interest generated therefrom) will be refunded to Project Developer upon the completion of the Artwork. No partial refunds will be allowed. The time for the completion of the Artwork shall be a reasonable one. If a Project Developer desires to provide Artwork which is less than the Minimum Allocation for any project, the difference can be paid to the Art in Public Places Fund before building permit issuance.

C. MINIMUM ALLOCATION COMPUTATION FOR ART.

The Minimum Allocation for art in public places ("Minimum Allocation") shall be calculated as follows:

1. One percent of the Total Project Cost for the first 15 million dollars;
2. Three-quarters (0.75) of one percent of the Total Project Cost, for that portion between 15 million and 25 million dollars, in addition to (1) above; and
3. One-half (0.50) of one percent of the Total Project Cost for that portion equal to or in excess of 25 million dollars, plus (1) and (2).

D. GUIDELINES FOR WORKS OF ART.

The Art in Public Places Committee shall apply the following Guidelines to determine compliance with this Section:

1. Examples. The following art projects are examples of acceptable projects:
 - a. Sculpture - free standing, wall supported or suspended, kinetic, electronic or mechanical in any material or combination of materials;
 - b. Murals or paintings permanently affixed to a building -- in any material or variety of materials, with or without collage or the addition of non-traditional materials and means;
 - c. Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, calligraphy, and any combination of forms of media permanently affixed to a building;
 - d. Standardized Fixtures such as gates, grates, streetlights, street furniture, signage, fences, staircases, balconies, timepieces, flagpoles, and other design enhancements as are rendered by an artist for unique or limited editions;
 - e. Decorative, Ornamental or Functional Building Elements such as archways, columns, pediments, fountains, capitals, fanciful characters, cornices, gables, balustrades, peristyles, friezes, porticoes or other architectural elements of a building designed by an artist;
 - f. Directional Elements such as supergraphics, signage or color coding to the extent that these elements are integral parts of an original work of art; and
 - g. Extraordinary Landscape architecture and landscape gardening when designed by an artist.
2. Composition. The composition of the art project shall be of durable and weather resistant materials.
3. Scale. The art project shall be scaled in a size that is proportional to the size of the Development Project and an integral part of the landscaping or architecture of the project.
4. Location. The art project shall be located on-site as follows: at least 50 percent of the Minimum Allocation shall be invested in works of art on the exterior of the Development Project and in permanent view of both pedestrians and motorists; provided, however, that this provision shall not apply to enclosed shopping malls with at least 1,000,000 square feet of gross leasable area in which case 100 percent may be within the enclosed portions of the mall, accessible to the visitors thereto. The balance of the Minimum Allocation may be utilized for an art project(s) in interior locations of the Development Project provided that the location(s) are designed for use by the general public and are accessible to the public during normal business hours.
5. Additional Guidelines to be adopted and assistance on artists selection. The Art in Public Places Committee shall adopt additional Guidelines to further assist Project Developers in implementing this section, and the Park, Recreation and Community Services Department staff shall develop a resource library on artists which shall be made available to developers at no charge. The Park, Recreation and Community Services Department is authorized to provide assistance, at no charge, to the Project Developer, in selecting and locating a qualified experienced artist for the project. The Department staff may meet with the Project Developer and show him or her examples of works by experienced artists meeting the program's criteria and to provide a list of artist's names and art consultant's names. The Department staff may also recommend private art consultants who could assist the Project Developer with artist selection.

E. ALTERATION OR RELOCATION ART.

An on-site work of art may not be modified, altered, relocated or removed without the prior approval of the Art in Public Places Committee. Removal without relocation or a substitute art work shall be prohibited. Any modification, alteration, relocation or removal of art work(s) or approval of alteration or relocation granted by the Art in Public Places Committee shall be subject to the California Art Preservation Act, the Visual Rights Act, or other similar state and federal laws.

F. VERIFICATION OF EXPENSES.

The Project Developer shall provide satisfactory evidence to the Park, Recreation and Community Services Department of Project Developer's actual art investment as proof that its Minimum Allocation has been invested on art on-site, prior to the issuance of the certificate of occupancy for the Development Project.

1. Eligible Costs.

A Project Developer may include the following expenses in computing his actual art investment:

- a. Artists professional design and production fee inclusive of labor, materials and services including reasonable Art Consultant/Management fees, not to exceed ten percent of the allocation.
- b. Travel costs of the artist for site visitation and research.
- c. Transportation costs of the work to the site.
- d. Installation of the completed work.
- e. Sales tax.
- f. Any required permit or certification fees.
- g. Identification plaques.
- h. Business and legal costs directly related to art.
- i. Direction or other functional elements such as supergraphics, signing, color coding, maps, etc., provided they are an integral part of an original work of art.
- j. Walls, bases, pools or other architectural components on or in which works of art are placed or affixed, provided they are an integral part of the work of art.
- k. Electrical, water or mechanical service for activation of the work, which is an integral part of the work of art.

2. Non-Eligible Costs.

The following are non-eligible expenses:

- a. Preparation of the site except as necessary to receive the works of art.
- b. Exhibitions and education aspects which are interpretative of and tangential to the actual work of art. This includes exhibition of sketches and marquettes, tours and docents, videotaping or filing of construction and installation of art work.

3. Artist's Compensation/verification of costs.

All financial arrangements shall be negotiated between the Project Developer and the artist and shall be verified in a written agreement. Copies of the executed contracts between the Project Developer and the artist(s) shall be submitted to the Park, Recreation and Community Services Department prior to the issuance of the certificate of occupancy.

G. MAINTENANCE OF ART.

The Project Developer shall maintain the work(s) of art and any related landscaping and lighting for the life of the Development Project. Project Developers shall perform necessary repairs and maintenance to the satisfaction of the City. Failure to repair or maintain the art work shall be a violation of this section.

H. SUBMISSION PROCESS.

1. Building Permit. In conjunction with the application for a building permit, a Project Developer shall submit a completed application to the Park, Recreation and Community Services Department which shall be presented to the Art in Public Places Committee for a finding of compliance with this Section.

2. Application Requirements: Art Work. The art submittal application shall include the following:

- a. Evidence that the art was designed and created by an experienced artist, and
- b. A complete site plan depicting location on-site, landscaping, lighting and other appropriate accessories to complement and protect the art project, including plans for structural support and identifying plaques. The plaques shall list only the date, title and artist and shall not be mounted directly on the art project itself.
- c. Project Developer may alternatively indicate in writing his or her intention to pay the alternative fee, in-lieu of constructing the art.

3. Application Requirement: Minimum Allocation Calculations. An art work submittal application (including a request to pay the alternative fee in-lieu of constructing the art) shall provide calculations of Project Developer's Minimum Allocation, as verification of the proper Minimum Allocation. A Project Developer shall have his or her Minimum Allocation verified by the Community Development Department, who shall forward the finding to the Park, Recreation and Community Services Department.

a. Multi-phase Projects. In the case of multi-phase projects, the Minimum Allocation shall apply to each phase of the project. A phase shall be deemed to be all those buildings on one site for which building permits are issued within a consecutive 60-month period.

b. Credit. Project Developers of long-term, multi-phase projects are encouraged to accelerate their investment in works of art. Any such accelerated investment in works of art at a project site shall be credited against the Project Developer's Minimum Allocation on future phases at the same site, together with imputed interest at the rate of ten percent per annum, not to exceed 36 months until such future Minimum Allocations would otherwise be payable under the provisions of this section. This provision shall apply to any works of art complying with the provisions of this section which are installed after the effective date of this section.

4. Application to Committee. The completed application, including a verified Minimum Allocation, shall be submitted to the Art in Public Places Committee by the Park, Recreation and Community Services Department. Within 30 days of the Park, Recreation and Community Services Department's receipt of a completed application, the Art in Public Places Committee shall render a written determination of whether such plan complies with the provisions of this section. The powers of the Committee shall be limited to finding compliance with Subsections (D) and (E) of this section and the Guidelines. In no way shall this Committee rule upon artistic content when considering the plans. The Art in Public Places Committee action shall be final.

5. Installation of Art and Verification of Expenses Required Prior to Certificate of Occupancy. Prior to the issuance of a certificate of occupancy, the Project Developer shall install the approved work(s) of art as proposed to and approved by the Art in Public Places Committee, and have his or her expenses relating to the actual art investment verified with the Park, Recreation and Community Services Department in accordance with Subsection (F) herein. In the event fabrication and/or installation of the works of art is proceeding diligently

but has not been completed prior to the issuance of a certificate of occupancy, the Project Developer shall deliver to the City a surety bond reasonably satisfactory to the City Attorney guaranteeing that the approved works of art will be completed as proposed.

I. ART IN PUBLIC PLACES FUND.

An account shall be established in the General Fund of the City to be known as the Art in Public Places Fund to account for fees paid pursuant to this section. In lieu of committing the Minimum Allocation to an on-site art project, the Project Developer may pay all or a portion of the Minimum Allocation to the City for deposit into the Art in Public Places Fund. Such funds shall be used subject to Council approval for (1) for the financing of art projects including, but not be limited to the acquisition, installation, improvement, maintenance and insurance of art work, that will be located at public buildings or on public grounds as shall be recommended by the Art in Public Places Committee; (2) for Sister City Art Exchange Programs; or (3) if requested by project developers, up to 50 percent of the one percent obligation may be allowed for arts related programs organized through the Burbank Arts Education Foundation, a nonprofit California corporation benefiting Burbank Unified School District students.

J. INTEGRATION WITH MEDIA DISTRICT STREETScape PROGRAM.

To the extent that a work of art installed by a Project Developer pursuant to this section qualifies as a Media District identity element pursuant to the Media District Streetscape Program established pursuant to Article 21 of this chapter, the Project Developer shall be entitled to receive credit under the Streetscape Program.

K. DEVELOPMENT PROJECTS EXEMPT FROM THIS SECTION.

The provisions of this section shall not be applicable to the following:

1. Child care centers;
2. Single family homes;
3. Single family subdivisions with less than 30 units;
4. Commercial and industrial projects with a building valuation, as defined in this Subsection (A), of \$500,000 or less;
5. Multifamily residential projects with a building valuation of \$1,500,000 or less;
6. Low and moderate income housing projects and senior housing projects funded or assisted by the Redevelopment Agency or the Housing Authority;
7. Any public capital improvement project for which legal restrictions preclude the application of this section; or any public project which the City Council, Redevelopment Agency, Housing Authority, or Parking Authority exempt;
8. Building remodeling, building additions and related activities where the building valuation is not increased by more than 50 percent;
9. Nonprofit social service institutions construction projects; and

10. Any building built on a portion of a site which is completely screened from view from adjacent public right of way or from those portions of the site open to the general public, provided that the height of the building does not exceed the height of the buildings that screen it from view.

L. AUTHORITY TO EXECUTE COVENANTS.

The Director of Park, Recreation and Community Services shall have authority to execute covenants authorized in this section on behalf of the City. [Added by Ord. No. 3290; Amended by Ord. No. 3818, eff. 10/14/11; 3735; 3597, 3354.]

10-1-1115: ARCADE DEVELOPMENT REGULATIONS:

A. ARCADES WITH UP TO TEN (10) MACHINES.

Arcades with up to ten (10) machines are permitted as an incidental use in conjunction with the following primary uses if the space occupied by both uses is at least 2,000 square feet of adjusted gross floor area:

1. Billiard Parlors.
2. Bowling Alleys.
3. Cocktail Lounges.
4. Entertainment Complexes.
5. Restaurants/Eating Establishments/Cafes with indoor seating areas comprising at least one-third (1/3) of the adjusted gross floor area of the establishment.

B. ARCADES WITH UP TO 60 MACHINES.

Arcades with up to 60 machines are allowed in conjunction with the following uses:

1. Entertainment complexes consisting of at least 2,000 square feet of adjusted gross floor area on a piece of property consisting of at least 20,000 square feet.
2. Hotels with at least 100 rooms.
3. Shopping centers with interior hallways. (No restriction on the number of businesses in a shopping center permitted to have arcades with up to 60 machines per business.)

C. EXCEPTION BY CONDITIONAL USE PERMIT.

The 60-machine limit for those uses in Subsection (B) above may be exceeded upon the granting of a Conditional Use Permit.

D. DISTANCE FROM SCHOOLS.

No arcade shall be located within 500 feet of the nearest street entrance to or exit from any public or private school ground of elementary or high school grades. Such 500 foot distance shall be measured from the entrance to the location of such machine in the most direct line to the nearest entrance or exit of the school. This subsection shall not apply when the arcade is placed in an establishment in which minors are prohibited from entering and remaining by the Alcoholic Beverage Control Act of the State of California. [Added by Ord. No. 3335; Amended by Ord. No. 3810 eff. 6/10/11; 3404.]

10-1-1116: ALCOHOLIC BEVERAGES - ON-PREMISES AND OFF-PREMISES;
CONDITIONAL USE PERMIT REQUIRED:

1. No establishment may sell alcoholic beverages for on-premises or off-premises consumption unless a Conditional Use Permit for alcoholic beverages has been approved for such establishment or unless exempted by this Code section.

2. In addition to any other requirements or regulations, no establishment may sell alcohol for off-premises consumption if such establishment is located in an area or census tract with an "undue concentration" of off-sale retail alcoholic beverage licenses as defined in Business & Professions Code Section 23958.4, unless the Planning Board or Council 1) grants such establishment a Conditional Use Permit; and 2) finds that the public convenience or necessity would be served by the Department of Alcoholic Beverage Control's issuance of an off-sale retail alcoholic beverage license to such establishment.

3. Restaurants with Incidental Alcohol are permitted in the zones so specified in accordance with this section. A Conditional Use Permit shall not be required for a Restaurant with Incidental Alcohol that sells alcoholic beverages for on-premises consumption only and that is not located within 150 feet of a residential zone. For the purposes of this section only, a Restaurant with Incidental Alcohol shall not be considered to be located within 150 feet of a residential zone if both the Restaurant with Incidental Alcohol and the residential property are both located in the City Centre Redevelopment Project Area.

4. Restaurants with Incidental Alcohol within 150 feet of a residential zone and/or with sale of alcohol for off-premises consumption are only permitted in the zones where specifically listed and shall require a Conditional Use Permit in accordance with this section.

5. For the purpose of verifying compliance with the requirement for Restaurants with Incidental Alcohol that 65 percent of the gross sales revenue must be from food sales, the sales receipts, accounting ledgers and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Chief of Police or his or her designee during regular business hours of the restaurant upon 72 hours prior written notice. In addition, Restaurants with Incidental Alcohol shall retain separate sales records for food and alcohol sales.

6. If the City Planner or his/her designee determines that more than 15 percent of the floor area of an establishment is devoted to the sales or consumption of alcohol and the owner or management of the establishment disputes this determination, the owner or management may appeal such decision to the Planning Board. The Planning Board shall determine whether or not more than 15 percent of the floor area of such establishment is devoted to the sales or consumption of alcohol. There shall not be a fee for such an appeal to the Planning Board.

7. Restaurant/Drinking Establishments, Cocktail Lounge/Bars, Nightclubs and other establishments serving alcohol are permitted in the zones so specified upon the granting of a Conditional Use Permit in accordance with this section.

8. Serving alcohol in conjunction with a permitted temporary event may be permitted upon the granting of a Conditional Use Permit for such alcohol service.

9. No new Cocktail Lounge/Bar or Nightclub shall be permitted within 1000 feet of an existing Cocktail Lounge/Bar or Nightclub, except in the City Centre Redevelopment Project Area where no new Cocktail Lounge/Bar or Nightclub shall be permitted within 300 feet of an existing Cocktail Lounge/Bar or Nightclub.

10. No new Cocktail Lounge/Bar or Nightclub shall be permitted within 200 feet of either a residence, family day care home, child day care facility, convalescent home, a residential care home-retirement home, or any residentially zoned lot or parcel; provided, however, that this separation restriction shall not apply in either of the following two circumstances:

a. where 1) the Cocktail Lounge/Bar or Nightclub and 2) the residence, family day care home, child day care facility, convalescent home, residential care home-retirement home, or residentially zoned lot or parcel; are both located in the City Center Redevelopment Project Area; or

b. where an existing establishment in the C-3 Zone adds a dance floor to operate as a nightclub, if all of the following apply:

1. the establishment has legally and continuously operated as a Restaurant with Incidental Alcohol since May 13, 1995;

2. the establishment is at least 200 feet from any lot or parcel zoned for single family residential use;

3. the establishment is at least 80 feet from any family day care home, child day care facility, convalescent home, residential care home-retirement home or any residentially zoned lot or parcel and an arterial street is located within that 80 foot separation;

4. the establishment's public entrance is at least 100 feet from any residentially zoned lot or parcel;

5. the establishment has legally and continuously provided live musical entertainment since May 13, 1995.

11. For the purposes of this section, the distance between two (2) properties or establishments shall be measured in a straight line between the two (2) properties' closest points, without regard to intervening structures and without regard to building height.

12. All new establishments selling alcohol shall comply with the following:

a. The property, including any parking facilities, shall be kept free of trash and debris.

b. The employees and management of an establishment which sells alcohol for on-premises consumption only shall prevent patrons from leaving the establishment with bottles, cans or other containers of alcohol. If an establishment is permitted to sell alcohol for off-premises consumption, the employees and management of the establishment shall prevent patrons from leaving the establishment with open bottles, open cans, or other open containers of alcohol.

c. When an establishment serves alcoholic beverages in the original can or bottle for on-premises consumption, the establishment shall also provide the patron with a drinking glass.

d. No establishment may permit or cause noise emanating from the operations of the establishment which violates Article 2 of Title 9 Chapter 3 of the Burbank Municipal Code. Noise emanating from the operations of an establishment includes, but is not limited to, the noise caused by the operation of the establishment and its employees, the conduct of patrons, the playing of musical instruments or other machines or devices and singing.

e. The establishment shall be in substantial conformance with the site and floor plans approved by and placed on file in the Planning Division.

13. The provisions of this ordinance shall not apply to an establishment legally existing without a Conditional Use Permit on the effective date of this ordinance unless any of the following occur:

a. The establishment changes its type of retail liquor license;

b. The floor area devoted to the sales or consumption of alcoholic beverages is increased;

c. A dance floor is added or the floor area devoted to dancing is increased; or

d. The establishment adds billiard tables or increases its number of billiard tables, resulting in a total number of more than two (2) billiard tables at the establishment.

If any of the above-mentioned changes occur, such existing use may only be continued or reestablished in compliance with all of the provisions of this ordinance and all other applicable laws. A currently existing use shall be considered no longer existing if that use is voluntarily changed or is abandoned or discontinued for more than six (6) consecutive months.

14. Any establishment operating under a Conditional Use Permit for the sale of alcoholic beverages granted prior to the effective date of this ordinance must continue to operate pursuant to its Conditional Use Permit unless the owner of the property files a declaration abandoning or discontinuing the Conditional Use Permit as provided for in Section 10-1-1951 of this Code. If the property owner files such a declaration, the establishment will be treated as a new establishment for the purposes of this ordinance. If an establishment continues to operate under a Conditional Use Permit granted prior to the effective date of this ordinance, such establishment must apply for an amendment to its Conditional Use Permit prior to either 1) adding a dance floor or increasing the floor area devoted to dancing or 2) adding billiard tables or increasing its number of billiard tables, resulting in a total number of more than two (2) billiard tables at the establishment.

15. The definitions of this ordinance shall apply to all establishments whether or not the remaining provisions of the ordinance are applicable to such establishment and whether or not such establishment was established under a different use or definition.

16. Cocktail Lounge/Bars and Nightclubs in existence on the effective date of this ordinance, as well as any Cocktail Lounge/Bars and Nightclubs established after the effective date of this ordinance shall be included in determining the spacing requirements of Section 10-1-1116 (9) above. [Added by Ord. No. 3400; Amended by Ord. No. 3524, eff. 8/21/99; 3457, 3452.]

10-1-1117: BILLIARD PARLOR DEVELOPMENT STANDARDS:

A. No billiard parlor shall be located within 1000 feet of the nearest street entrance to or exit from any public or private school ground of elementary, junior high or high school grades. Such 1000 foot distance shall be measured from the entrance to the establishment in the most direct line to the nearest entrance or exit of the school. This subsection shall not apply where the billiard parlor is an establishment in which minors are prohibited from entering and remaining by the Alcoholic Beverage Control Act of the State of California.

B. No new billiard parlor shall be permitted within 200 feet of either a residence, day care home, convalescent home, a residential care home, retirement home, or any residentially zoned lot or parcel; provided, however, that this restriction shall not apply where both 1) the billiard parlor and 2) the residence, day care home, convalescent home, residential care home, retirement home or other residentially zoned lot or parcel, are located in the City Centre Redevelopment Project Area.

C. No new billiard parlor shall be permitted within 1000 feet of an existing billiard parlor, except in the City Centre Redevelopment Project Area where no new billiard parlor shall be permitted within 300 feet of an existing billiard parlor. [Added by Ord. No. 3404, eff. 7/1/95.]

10-1-1118: WIRELESS TELECOMMUNICATIONS FACILITIES: REGULATIONS AND DEVELOPMENT STANDARDS:

A. PURPOSE

The purpose of this Section is to provide uniform standards for the placement, design, monitoring, and permitting of Wireless Telecommunications Facilities (WTFs) consistent with applicable federal and state requirements. These standards are intended to address the adverse visual impacts of these facilities through appropriate design, siting, screening techniques, and locational standards, while providing for the communication needs of residents and businesses. This Section is not intended to, and does not; regulate those aspects of WTFs that are governed by the Federal Communications Commission (FCC).

B. APPLICABILITY AND EXEMPTIONS

The requirements of this Section apply to all WTFs as defined in Section 10-1-203, except as exempted. The following are exempt from the provisions of this Section:

1. Radio or Television Antenna: Any ground- or building-mounted antenna that receives radio or television signals for use only by owners or occupants of the property or development on which the antenna is located that does not exceed a height of 15 feet above the maximum allowable building height for the zone in which the antenna is located.

2. Satellite Dish Antenna: Ground- or building-mounted dish antenna that receives radio or television signals for use only by of owners or occupants of the property or development on which the dish is located that does not exceed one meter in diameter.

3. Private Antenna: Any antenna operated by a business for the purpose of sending or receiving radio, television, data, or other wireless signals directly between two business locations or to satellites for re-transmission. Such facilities are regulated by the applicable commercial and industrial development standards including but not limited to Section 10-1-1113.1 and 10-1-1301.

4. Amateur Radio Antenna: Any antenna, including its support structure, used by an authorized amateur radio operator licensed by the FCC that does not exceed a height of 15 feet above the maximum allowable building height of the zone in which it is located. For the purpose of this section, amateur radio means the licensed non-commercial, non-professional, private use of designated radio bands for purposes of private recreation including the non-commercial exchange of messages and emergency communication. This includes HAM radio and citizens band antenna.

5. Government Antenna: Any antenna, dish, or similar equipment owned and/or operated by any government entity.

C. PERMITTING PROCESS.

1. An application is required for all WTFs. Applications for WTFs requiring a land use permit must be accompanied by the applicable permit application. The Director is required to maintain a list of required application forms and materials and a written procedure for processing WTF applications, which may be amended from time to time. The application must be accompanied by a fee if specified in the Fee Resolution. A WTF application must include documentation of compliance with FCC regulations pertaining to radio frequency emissions, including cumulative emissions from any existing WTFs on the site and the proposed WTF, in a manner deemed appropriate by the Director.

2. Table 10-1-1118(C) provides the locations where WTFs are allowed and the land use permit, if any, required for the WTF. WTFs in the public right-of-way are subject to the requirements in Section 7-3-708.

Table 10-1-1118 (C)

Symbol	Meaning
P	Permitted
AUP	Administrative Use Permit required
[AUP]	Administrative Use Permit required if residentially adjacent
CUP	Conditional Use Permit required
--	Prohibited

WTF Type	Institutional Use ¹ in Single Family Residential Zone	Multifamily Residential Zone	Non-Residential Zone (except OS)	OS Open Space Zone
Building Mounted Co-Location	AUP	AUP	P	P [AUP]
Building Mounted	CUP	CUP	P [AUP]	AUP

Freestanding Co-Location	--	--	P [AUP]	AUP
Freestanding	--	--	CUP	CUP
All other WTFs not listed above or not exempted by 10-1-1118(B)	CUP	CUP	CUP	CUP

Footnotes

1. For the purposes of this Section, institutional use means a public or private school, religious institution, hospital, library, museum, government building, public utility, or other similar public or semi-public facility.

2. A CUP is also required to exceed WTF height limitations per Subsection D.

D. DEVELOPMENT AND DESIGN STANDARDS.

1. New Facilities.

All new WTFs must comply with the following development and design standards except when impractical or technologically infeasible. The burden shall be on the applicant to provide evidence as part of the application showing why and how complying with the standard would be impractical or technologically infeasible. In such event, the Director may hire an independent, qualified consultant to evaluate any technical aspect of the proposed WTF and any proposed exceptions from these development standards at the applicant's sole cost. The applicant shall submit a deposit to pay for such independent third party review as set forth in the City's Fee Resolution.

2. Existing Facilities.

All WTFs approved with a Conditional Use Permit or building permit as of the date of adoption of the ordinance codified in this Section are not required to comply with the development and design standards unless the WTF or any portion thereof is replaced or modified. Any replacement or modification shall be done consistent with these standards to the extent practical and technologically feasible, based on the scope of the replacement or modification. The burden shall be on the applicant to provide evidence as part of the application showing why and how complying with the standard would be impractical or technologically infeasible. In such event, the Director may hire an independent, qualified consultant to evaluate any technical aspect of the proposed replacement or modification and any proposed exceptions from these development standards at the applicant's sole cost. The applicant shall submit a deposit to pay for such independent third party review as set forth in the City's Fee Resolution. This provision is not intended for the addition of generators for emergency power.

3. Requirements for All WTFs.

a. Where practical, WTFs shall be integrated into existing or newly developed facilities that are functional for other purposes.

b. WTFs shall incorporate stealth design so as to minimize aesthetic impacts on surrounding land uses. Stealth design means that the WTF is designed to closely blend into the surrounding environment and to be minimally visible. Antennas and related equipment are either not readily visible beyond the property on which it is located, or, if visible, appear to

be part of the existing landscape or environment rather than the wireless communications facility. The WTF may appear as a natural feature, such as a tree or rock or other natural feature, or may be incorporated into an architectural feature such as a steeple, parapet wall, or light standard, or be screened by an equipment screen, landscaping, or other equally suitable method. Related equipment shall be designed to match the architecture of adjacent buildings and/or be screened from public view by walls, fences, parapets, landscaping, and similar treatments.

c. Related equipment for co-located WTFs shall be co-located within an existing equipment enclosure, or if not possible then located as close to the existing equipment enclosure as possible.

d. Monopoles, antennas, and support structures for antennas shall be no greater in diameter or any other cross-sectional dimension than is reasonably necessary for the proper functioning and physical support of the WTF and future co-location of additional WTFs.

e. Cable Trays and Runs

1. All cable trays and cable runs for building-mounted WTFs shall be located within existing building walls.

2. Any façade-mounted cable trays and runs shall be painted and textured to match the building and shall be mounted as close to the façade surface as possible, with no discernible gap between.

3. Cable trays and runs on a roof deck shall be mounted below or otherwise screened by the parapet wall or screening device.

4. Cable trays and runs for freestanding WTFs shall be located inside the pole and underground.

f. Stealth WTF's designed to resemble natural features such as trees or rocks shall be integrated into the surrounding environment through the planting of trees and/or shrubs distributed around the entire facility to appear as a naturally occurring or integrated landscape element.

g. Whenever landscaping is used in conjunction with a WTF for stealth design, to screen related equipment, or for another purpose, the following requirements apply:

1. Any new or replanted landscaping shall be of a type and variety that is compatible with existing landscaping.

2. Any tree removed shall be replaced with one or more trees of similar quality and size.

3. When used for screening, the landscaping shall be of a type, variety, and maturity to adequately screen the related equipment.

4. Newly installed trees shall be a minimum size of 36 inch box.

5. Palm trees shall have a minimum brown trunk height of 16 feet.

6. Newly planted shrubs shall have a minimum size of five gallons.

7. Live landscaping shall be provided with adequate and permanent irrigation to support continued growth.

h. Fences and walls

1. Chain link fencing material is only permitted in association with a WTF in an industrial zone where the fence is not visible from the public right-of-way or adjacent non-industrial zone.

2. Block walls must be covered with stucco or plaster except in industrial zones.

i. Signs

1. All WTFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.

2. No signs, flags, banners, or any form of advertising shall be attached to a WTF except for government-required certifications, warnings, or other required seals or signs.

- j. No WTF or any portion thereof may be located within a required setback area.
- k. WTFs operating in excess of the maximum sound levels permitted by the City's noise ordinance shall be enclosed to achieve compliance with the noise ordinance. Backup generators or similar equipment that operates only during power outages or other emergencies are exempt from this requirement. Testing of such backup generators or similar equipment may only occur during standard daytime hours.
 - l. No WTF may, by itself or in conjunction with other WTFs, generate radio frequency emissions and/or electromagnetic radiation in excess of FCC standards and any other applicable regulations. All WTFs must comply with all standards and regulations of the FCC, and any other agency of the State or Federal government agency with the authority to regulate wireless telecommunications facilities.
 - m. Within 30 days after discontinuation of use, the WTF operator shall notify the Director in writing that use of the WTF has been discontinued.
 - n. A WTF must be completely removed, and the site returned to its pre-WTF condition within 180 days of discontinuation of use.

4. Additional Requirements for Building-Mounted WTFs

- a. Building-mounted WTFs, including any screening devices, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, of the building on which it is mounted unless approved through a Conditional Use Permit.
- b. Building-mounted WTFs shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. Antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view.
- c. Building-mounted WTFs shall be located on the facade of the building, parapet, or rooftop penthouse whenever practical.
- d. Facade-mounted WTFs shall not extend more than 24 inches out from the building face. If a building mounted WTF is mounted flush against a building wall, the color and material of the antenna and other equipment shall match the exterior of the building. If there is a discernable gap between the antenna and the façade, the antenna shall be screened so as to hide the gap.
- e. Roof-mounted WTFs shall be fully screened from public view using screening devices that are compatible with the existing architecture, color, texture, and/or materials of the building. Roof-mounted WTFs shall also be screened from above, if visible from adjacent properties.
- f. Roof-mounted WTFs shall be located as far from the edge of the building as feasible.

5. Additional Requirements for Freestanding WTFs (Except for Amateur Radio Antennas)

- a. An applicant for a freestanding WTF shall demonstrate as part of the application that a proposed WTF cannot be placed on an existing building or co-located.
- b. Freestanding WTFs, including any camouflage or screening devices, may not exceed a height of 35 feet above the ground surface unless approved through a Conditional Use Permit.
- c. Freestanding WTFs shall be compatible with the architecture, color, texture, and/or materials of nearby buildings and the surrounding area and landscaping.
- d. Freestanding WTFs shall be located in areas where existing topography, vegetation, buildings or other structures provide the greatest amount of screening so as to minimize aesthetic impacts on surrounding land uses.

e. Freestanding WTF's shall be designed to allow for co-location of additional antennas, for example by having a foundation and pole capable of accommodating a height extension. The operator and owner of the freestanding WTF shall lease space on the tower, at a fair market rent, to other WTF providers to the maximum extent consistent with the operational requirements of the WTF.

f. Any mono-tree shall incorporate enough architectural branches (including density and vertical height), three dimensional bark cladding, and other design materials or appropriate techniques to cause the structure to appear a natural element of the environment.

g. Freestanding WTFs may not utilize guy wires or other diagonal or horizontal support structures.

h. Exterior lighting of freestanding WTF's is prohibited unless required by the FAA or other government agency.

i. Freestanding WTF's that simulate the appearance of a flag pole shall be tapered to maintain the appearance of an actual flag pole. A flag shall be flown from the WTF and properly maintained at all times.

E. RADIO FREQUENCY EMISSIONS COMPLIANCE.

1. Within thirty (30) calendar days following the activation of any WTF, the applicant shall provide FCC documentation to the Director indicating that the unit has been inspected and tested in compliance with FCC standards. Such documentation shall include:

a. The make and model (or other identifying information) of the unit tested.

b. The date and time of the inspection, the methodology used to make the determination,

c. The name and title of the person(s) conducting the tests, and a certification that the unit is properly installed and working within applicable FCC standards.

d. As to DAS installations, the required FCC documentation certification shall be made only by the wireless carrier(s) using the DAS system rather than the DAS system provider.

e. Documentation shall also indicate that cumulative levels of radio frequency emissions from the WTF and all co-located WTFs are in compliance with FCC standards, including but not limited to FCC Office of Engineering Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, as amended.

2. If the documentation demonstrates that the cumulative levels of radio frequency emissions exceed or may exceed FCC standards, the Director may require the applicant to modify the location or design of the WTF and/or implement other mitigation measures to ensure compliance with FCC standards. The Director may require additional independent technical evaluation of the WTF, at the applicant's sole cost, to ensure compliance with FCC standards.

F. FEDERAL PREEMPTION.

Notwithstanding any other provision of this Code to the contrary, if any provision(s) of this Section would give rise to a claim by an applicant that a proposed action by the City would prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 USC 332(c)(7), or would prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service within the meaning of 47 USC 253, evidence of such effect may be grounds for a variance from the requirements of this section or an appeal of any decision denying an application for a WTF.

[Added by Ord. No. 3439, eff. 7/22/96; Amended by Ord. No. 3817, eff. 10/14/11; 3810; 3791.]

10-1-1119:

[Added by Ord. No. 3465, eff. 7/5/97; Deleted by Ord. No. 3743, eff. 7/11/08.]

10-1-1120: ADULT BUSINESSES: REGULATIONS AND DEVELOPMENT STANDARDS:

Adult businesses shall be permitted in zones as set forth in Section 10-1-502, subject to the provisions of this Chapter and Article 9 of Title 3 Chapter 3 of this Code, and subject to the following requirements:

A. SEPARATION REQUIREMENTS.

1. No adult business shall be permitted within 1000 feet of either of the following: (a) any residentially zoned property or (b) a residential use within a Planned Development zone; provided, however, that this separation requirement shall not apply if the Interstate 5 Golden State Freeway is located between the adult business and the residentially zoned property or the residential use within a Planned Development zone.

2. No adult business shall be permitted within 1000 feet of any public park, school, religious institution or child day care facility; provided, however, that this separation requirement shall not apply if the Interstate 5 Golden State Freeway is located between the adult business and the public park, school, religious institution or child day care facility.

3. No adult business shall be permitted within 1000 feet of any other adult business.

4. For the purposes of this section, the distance between properties and/or establishments shall be measured in a straight line, without regard to intervening structures or objects, from the nearest lot line of one property to the nearest lot line of the other property. In addition, the separation requirements set forth in this section are only applicable to those properties located in the City of Burbank.

B. DEFINITION OF SCHOOL.

For the purposes of this Section 10-1-1120, "SCHOOL" shall mean any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or which is maintained pursuant to standards set by the Board of Education of the State of California. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education. For the purposes of this Section, "school" does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

C. DEVELOPMENT STANDARDS.

All development standards that apply in the zone in which an adult business is located shall apply to such adult business. In the Airport Zone, the M-2 development standards shall be applicable.

D. PARKING.

The following off-street parking spaces shall be provided:

1. Adult Arcade - five (5) spaces for each 1,000 square feet of adjusted gross floor area.
2. Adult Retail Store - 3.3 spaces for each 1,000 square feet of adjusted gross floor area.
3. Adult Cabaret - ten (10) spaces for each 1,000 square feet of adjusted gross floor area.
4. Adult Hotel/Motel - one (1) space for every room.
5. Adult Modeling Studio - 3.3 spaces for each 1,000 square feet of adjusted gross floor area when less than 1,500 square feet; four (4) spaces for each 1,000 square feet of adjusted gross floor area when between 1,500 square feet and 2,500 square feet; six (6) spaces for each 1,000 square feet of adjusted gross floor area when greater than 2,500 square feet.
6. Adult Motion Picture Theater - one (1) space for every five (5) fixed seats and one (1) space for each 28.6 square feet of adjusted gross floor area available for assembly without fixed seats. [Added by Ord. No. 3557, eff. 10/28/00.]

10-1-1121: SHOPPING CART CONTAINMENT:

A. DEFINITIONS. The following words and phrases as used in this Section shall have the meanings ascribed to them unless otherwise noted:

ABANDONED SHOPPING CART: Means a shopping cart located outside the store premises of the business establishment which furnishes the shopping cart for use by its patrons.

SHOPPING CART: Means any basket, platform, or similar device of any size, mounted on wheels or a similar device, including parts thereof, provided by a store operator for the purpose of transporting goods of any kind on the store premises of that business establishment. This definition shall include laundry carts provided by owners and operators of laundry facilities, such as Laundromats.

SHOPPING CART OWNER: Means the owner and/or the tenant of the store premises and their officers, employees, contractors and agents.

STORE PREMISES: Means the area within the business establishment and any lot area, maintained and managed by the business, that may include the building, parking lot, loading areas, and adjacent driveways and walkways, and where the business' shopping carts are utilized.

B. ADMINISTRATION.

Except as otherwise provided in this Chapter, the provisions of this Section shall be administered and enforced by the Community Development Department of the City. In enforcing the provisions of this Section, employees of the aforementioned department may

enter onto private property to survey or examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart owner, and to remove, or cause the removal of, a shopping cart, or parts thereof consistent with state law.

C. SHOPPING CART CONTAINMENT.

All shopping carts shall be effectively contained or controlled within the boundaries of the store premises.

1. "Effectively contained or controlled" means the number of shopping carts removed from store premises (cart loss) over a 24 hour period, between the hours of 12:00 a.m. and 11:59 p.m. the following day, shall not exceed the "cart loss threshold" established and amended from time to time by resolution of the Council. Cart loss shall be based upon available documentation, including, but not limited to, code enforcement field observations.

2. Any shopping cart owner who fails to contain shopping carts within the cart loss threshold set by the City Council pursuant to this Section, as evidenced by the issuance of a Notice of Violation, shall implement one (1) or more shopping cart containment methods which results in achievement of the cart loss threshold, that is, loss of no more than five (5) shopping carts per 24 hour period.

D. MONITORING AND REPORTING.

1. Upon request, shopping cart owners shall provide to the Director information, including but not limited to, information concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed reasonable by the Director to determine the adequacy of the shopping cart containment system or control method.

2. All shopping cart owners shall post a sign made of permanent, weather-resistant materials not less than 18 inches in width and 24 inches in height with block lettering not less than one-half (1/2) inch in width and two (2) inches in height in a conspicuous place on the building within two (2) feet of all customer entrances and exits stating, at a minimum, the following:

REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS PROHIBITED BY LAW. B & P Code Section 22435.2

E. NOT EXCLUSIVE MEANS FOR REGULATING SHOPPING CARTS.

This Section is not to be construed as the exclusive regulation of wrecked, dismantled or abandoned shopping carts within the city. It shall supplement and be in addition to other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, state or any other legal entity or agency having jurisdiction, including Section 22435 et seq. of the Business and Professions Code (B & P Code).

F. SHOPPING CARTS WITHOUT SIGNAGE.

Shopping carts located outside of store premises which do not meet the signage requirements specified in B & P Code Section 22435.1, as that section may be amended from time to time, shall be abated in accordance with Section 5-3-207 of this Code, as that section may be amended from time to time. The owners of such carts shall pay all expenses of removal and storage as provided in Section 5-3-207.

G. ENFORCEMENT.

Any owner, operator, manager, employee and/or independent contractor of a shopping cart owner violating or permitting, counseling, or assisting the violation of any of these provisions regulating shopping carts, shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County jail for not more than six (6) months, or by both such fine and imprisonment. Any violation of these provisions shall constitute a separate offense for each and every day during which such violation is committed or continued.

H. SEVERABILITY.

This section and the various parts thereof are hereby declared to be severable. Should any part of this section be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this section as a whole, or any portion thereof other than the part so declared to be unconstitutional or invalid. [Added by Ord. No. 3716, eff. 9/23/07.]

10-1-1122: EMERGENCY SHELTER DEVELOPMENT STANDARDS:

A. APPLICABILITY.

The requirements of this section apply to all emergency shelters as defined in Section 10-1-203.

B. CAPACITY.

Emergency shelters may provide a maximum of 150 beds per establishment.

C. INTAKE/WAITING AREAS.

On-site intake areas shall be enclosed or screened from the public right-of-way and adjacent properties. Queuing within the public right-of-way or any parking area is not permitted.

D. LIGHTING.

Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood.

E. NOISE.

For the purposes of noise abatement, organized outdoor activities and intake of residents in non-enclosed areas may only be conducted between the hours of 7:00 a.m. and 10:00 p.m.

F. ON-SITE MANAGEMENT.

Emergency shelter providers must submit a written management plan prior to beginning operation, including provisions for staff training, and counseling, treatment, and training programs for residents. The management plan shall be subject to approval by the Community Development Director.

G. PARKING.

Emergency shelters that do not accept walk-in clients must provide one (1) parking space for every ten (10) beds. Shelters that accept walk-in clients must provide one (1) parking space for every five (5) beds.

H. CLIENT RESTRICTIONS.

Emergency shelter providers must screen for and refuse service to registered sex offenders as part of their client intake process.

I. SECURITY.

Emergency shelter providers must submit a written security plan prior to beginning operation that includes the hours of operation, intake/discharge procedures, screening of clients prior to admission to the shelter, and provisions for on-site security guards, if any. A site plan shall also be provided which clearly indicates parking areas, lighting, and the location of on-site walk-in and client intake areas. The security plan shall be subject to approval by the Chief of Police.

J. SEPARATION FROM OTHER SHELTERS.

No emergency shelter shall be located within a radius of 300 feet from the nearest shelter, as measured from property line to property line. This requirement does not apply to Temporary Aid Centers.

K. STORAGE.

For emergency shelters that accept walk-in clients, an enclosed area must be provided for residents to store their belongings, such as bicycles, shopping carts, and other possessions. [Added by Ord. No. 3816, eff. 7/29/11.]

10-1-1123: TEMPORARY AID CENTER DEVELOPMENT STANDARDS:

A. APPLICABILITY.

The requirements of this section apply to all temporary aid centers as defined in Section 10-1-203.

B. INTAKE/WAITING AREAS.

On-site intake areas shall be enclosed or screened from the public right-of-way and adjacent properties. Queuing within the public right-of-way or any parking area is not permitted.

C. LIGHTING.

Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood.

D. NOISE.

For the purposes of noise abatement, organized outdoor activities and intake of residents in non-enclosed areas may only be conducted between the hours of 7:00 a.m. and 10:00 p.m.

E. ON-SITE MANAGEMENT.

Temporary Aid Centers must submit a written management plan prior to beginning operation, including provisions for staff training and counseling, training, and treatment, programs for residents. The management plan shall be subject to approval by the Community Development Director.

F. PARKING.

Temporary Aid Centers must provide a minimum of 1.5 parking spaces per 1000 square feet of adjusted gross floor area.

G. SECURITY.

Temporary Aid Centers must submit a written security plan prior to beginning operation including, as applicable, the hours of operation, intake/discharge procedures, screening of clients prior to admission to the Temporary Aid Center, and provisions for on-site security guards, if any. A site plan shall also be provided which clearly indicates parking areas, lighting, and the location of on-site walk-in and client intake areas. The security plan shall be subject to approval by the Chief of Police. [Added by Ord. No. 3816, eff. 7/29/11.]

ARTICLE 11.5. RESIDENTIALLY ADJACENT USES

10-1-1150: RESIDENTIALLY ADJACENT PROPERTY AND USES: PURPOSE AND APPLICABILITY:

A. The purpose of this Article is to ensure that commercial and industrial uses do not cause adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light, litter or cumulative impact of such demands in one area.

B. The requirements of this Article apply to all residentially adjacent commercial and industrial property.

C. The operational requirements in Section 10-1-1154 shall also apply to commercial and industrial uses located in residential zones if such uses are located within 150 feet of any other residentially zoned property.

D. Property and uses subject to the requirements of this Article must also comply with all other applicable requirements of this Chapter. It shall be unlawful for any person to commence or conduct any commercial or industrial use on a site that is within 150 feet of any residentially zoned property except in conformance with the requirements of this Article. [Added by Ord. No. 3503, eff. 12/26/98; Amended by Ord. No. 3557, eff. 10/28/00.]

10-1-1151: RESIDENTIALLY ADJACENT USES - CONDITIONAL USE PERMIT REQUIRED FOR NEW LATE NIGHT BUSINESS AND NEW OUTDOOR SPEAKERS:

A. No new establishment that is residentially adjacent may conduct Late Night Business unless a Conditional Use Permit for such activity during those hours has been granted.

B. No residentially adjacent establishment that was not legally engaged in Late Night Business on 12/26/98 may commence Late Night Business unless a Conditional Use Permit for Late Night Business has been granted.

C. No residentially adjacent establishment may increase or extend the hours that it conducts Late Night Business for any period of time during Late Night Hours unless a Conditional Use Permit for Late Night Business during such hours has been granted.

D. No residentially adjacent establishment engaged in Late Night Business may increase the amount of floor area of such establishment unless a Conditional Use Permit for the additional floor area has been granted.

E. The right or permission to conduct Late Night business includes the right to conduct Late Night Operations.

F. No residentially adjacent establishment may install exterior speakers for taking orders, making announcements, playing music, or other purposes, unless a Conditional Use Permit for such exterior speakers has been granted. Any exterior speakers shall be designed, located, and directed so as to minimize noise impacts on adjacent residential

property. The applicant must submit an acoustical study, prepared by a licensed acoustical consultant, with the Conditional Use Permit application. [Added by Ord. No. 3503, eff. 12/26/98.]

10-1-1152: RESIDENTIALLY ADJACENT USES - ADMINISTRATIVE USE PERMIT REQUIRED FOR NEW LATE NIGHT OPERATIONS:

A. No new residentially adjacent establishment may conduct Late Night Operations unless an Administrative Use Permit for Late Night Operations has been granted.

B. No residentially adjacent establishment that was not legally engaged in Late Night Operations on 12/26/98 may commence Late Night Operations unless an Administrative Use Permit for Late Night Operations has been granted. [Added by Ord. No. 3503, eff. 12/26/98.]

10-1-1153: RESIDENTIALLY ADJACENT USES - DEVELOPMENT STANDARDS FOR NEW CONSTRUCTION:

It shall be unlawful for any person to erect or construct any building, structure or improvement, or any part thereof, on a residentially adjacent site unless all of the following conditions are met:

A. GLARE AND REFLECTIONS.

Building elevations facing a residential zone with 50 percent or more of the building surface in glass shall be limited to a maximum of 15 percent reflectivity for those materials. Building elevations facing a residential zone with less than 50 percent of surface in glass shall be limited to a maximum of 20 percent reflectivity for those materials.

B. MECHANICAL VENTING.

No mechanical venting shall face a residential zone, unless such mechanical venting is more than 300 feet from the nearest residentially zoned property. Further, no mechanical venting shall be located anywhere on the building within 50 feet from the nearest residentially zoned property.

C. REFUSE BIN LIDS.

All commercial and industrial refuse bins shall be equipped with nonmetallic lids, which shall remain closed at all times except when refuse is being deposited or emptied. [Added by Ord. No. 3503, eff. 12/26/98.]

10-1-1154: RESIDENTIALLY ADJACENT USES - OPERATIONAL REQUIREMENTS FOR ALL BUSINESSES.

It shall be unlawful for any person to conduct or commence any commercial or industrial use within 150 feet of any residentially zoned property, except in conformance with the following requirements:

A. WASTE DISPOSAL.

1. Organic materials shall not be deposited into a refuse bin located outside of an enclosed structure on private property or on a public right-of-way that separates a commercial or industrial property or use from adjacent residentially zoned property unless such refuse is sealed in bags.

2. Refuse bins shall not be moved in a public right-of-way that separates the commercial or industrial property or use from adjacent residentially zoned property during Late Night Hours.

3. All restaurants that are within 150 feet of a residential zone shall maintain their refuse bins so as to prevent the creation of objectionable odors.

B. RESPONSIBLE PERSON.

The name and telephone number of a person who will be available during the operational hours of the business to address any problems with the subject establishment shall be posted in a conspicuous place on the exterior of the building housing the establishment. The contact person shall be the business owner, business manager, or other similar person who has sufficient authority over the business 24 hours a day to address problems that may disturb neighbors.

The phone number of the City's Community Assistance Coordinator shall also be posted in a conspicuous place on the exterior of the building housing the establishment to provide notice to persons who wish to register complaints with the City regarding violations of this Code.

C. NO CONGREGATING.

For the purpose of noise abatement in residential zones, no person conducting a commercial or industrial use on a site that is within 150 feet of any residentially zoned property shall permit the employees, agents, associates, or contractors of the nonresidential use to congregate behind the structure containing the nonresidential use, or in any open area or public right-of-way that separates the property containing the nonresidential use from adjacent residentially zone property, during Late Night Hours.

D. NO TESTING VEHICLES.

No testing or test-driving of vehicles on residential streets is permitted.

E. APPLICABILITY TO PORTION OF PROPERTY.

The requirements of this Section shall apply to all property where a commercial/industrial use is being conducted even if only a portion of such property is within 150 feet of residentially zoned property; provided however, that subsections (A) and (C) of this Section shall not apply to any portion of the property that is more than 300 feet from the nearest residentially zoned property. [Added by Ord. No. 3503, eff. 12/26/98.]

ARTICLE 12. GENERAL YARD AND SPACE STANDARDS

10-1-1201: YARDS OPEN AND UNOBSTRUCTED:

Every yard shall be open, unoccupied, and unobstructed vertically except for projections and encroachments authorized by this Code. [Formerly numbered Section 31-140; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1202: FRONT YARDS NOT TO BE PAVED:

[Formerly numbered Section 31-141; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-1203: YARDS CANNOT SERVE OTHER BUILDINGS OR LOTS:

No yard or open space area shall be used to meet the requirements of this chapter for more than one (1) structure, nor shall a yard or open space on one (1) lot be used to meet yard or open space requirements on any other lot unless the two (2) lots are owned by the same person and are developed as a single parcel. [Formerly numbered Section 31-142; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1204: REQUIREMENTS ON THROUGH LOTS:

Front yards as required for the zone in which the lot is located shall be maintained at each end of a through lot. [Formerly numbered Section 31-143; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05.]

10-1-1205: UNDEDICATED STREETS:

All land within the undedicated portion of a partially dedicated or future street shall remain open and unobstructed. Such land shall not be counted in meeting any yard and open space requirements of this chapter. [Formerly numbered Section 31-144; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1206: ACCESS TO UTILITY POLES:

Whenever a utility pole is situated on a lot, required yard areas shall be maintained to provide unobstructed access to the pole. [Formerly numbered Section 31-145; Renumbered by Ord. No. 3058, eff. 2/21/87; 2193.]

10-1-1207; 1208 AND 1209:

[Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-1210:

[Deleted by Ord. No. 3669, eff. 7/5/05; Formerly numbered Section 31-148; Renumbered by Ord. No. 3058; Amended by Ord. No. 3200, eff. 9/1/90.]

10-1-1211: MISCELLANEOUS ENCROACHMENTS:

A. DEFINITION AND APPLICABILITY.

The requirements of this Section apply to all non-residential zones only. For the purposes of this Section, "REQUIRED YARD" means the minimum yard depth as specified in this Chapter for the zone in which the lot is located. The encroachments specified herein are measured from the required setback line, not from the exterior wall of the structure.

B. FIRE ESCAPES.

Fire escapes may project into any required yard not more than four (4) feet but shall not reduce the clear width of the yard to less than three (3) feet.

C. EAVES, CORNICES, CANOPIES, ETC.

Eaves, cornices, canopies, belt courses, sills and other similar architectural features may project into any required front yard not more than four (4) feet, and may extend into a required side or rear yard not more than two (2) inches for each one (1) foot of the width of such required side or rear yard; provided, however, that where the required side yard is in excess of three (3) feet, eaves may project to within 30 inches of the side lot line. On corner lots and reverse corner lots, eaves may not project more than three (3) feet into the required side yard abutting the side street.

D. UNCOVERED PORCHES, PATIOS AND PLATFORMS.

Uncovered porches, patios and platforms or landing places which do not extend above the level of the first floor of the building may extend into any required front yard not more than five (5) feet; into a court not more than 20 percent of the width of the court or five (5) feet whichever is less; and into any side or rear yard a distance that allows for safe exiting use. An openwork railing not to exceed 42 inches in height may be installed or constructed on any such porch, patio, platform or landing place.

E. STAIRWAYS, HANDICAP RAMPS AND BALCONIES.

Open, unenclosed stairways, handicap ramps or balconies not covered by a roof or canopy may project into a required front yard not more than four (4) feet. On corner lots and reverse corner lots, open, unenclosed stairways, handicap ramps or balconies not covered by a roof or canopy may project into the required side yard abutting the side street not more than three (3) feet.

F. PORTE-COCHERE.

Porte-Cocheres may extend into a side yard but are limited to 25 feet in length along the side lot line.

G. UTILITY POLES.

Utility poles servicing the property may extend into the side yard two (2) feet from the lot line.

H. GARAGE DOORS.

Garage doors shall not, when open or being opened, project beyond any lot line.

I. ACCESSORY APPLIANCES.

When approved by the City Planner, accessory appliances such as swimming pool equipment, water heaters, air conditioning equipment and the like may be located in any side or rear yard provided they do not prevent passage through such side or rear yard and are covered or concealed in such a manner as to not be objectionable when viewed from adjoining property.

J. CHIMNEYS.

Chimneys may extend into a required side yard to a distance of not less than 30 inches from the side lot line, provided, however, that on corner lots and reverse corner lots, chimneys may not project more than two (2) feet into the required side yard abutting the side street. [Formerly numbered Section 31-149; Amended by Ord. No. 3676, eff. 8/16/05; 3669, 3267, 3245, 3200, 3181, 3136, 3120, 3058, 2742, 2420, 2204, 2193, 2183.]

10-1-1212: AUTHORITY OF BUILDING DIRECTOR TO GRANT EXCEPTIONS:

The Building Director is authorized to grant, upon such conditions and restrictions as he may determine, such exceptions from the zoning provisions of this chapter dealing with building, yard and fence setbacks as may be in harmony with the general purpose and intent thereof, so that the spirit of the zoning provisions shall be observed, public safety, necessity and welfare secured, and substantial justice done. In no case shall the exception granted exceed ten percent of the required setback. [Added by Ord. No. 2598; Formerly numbered Section 31-149.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

ARTICLE 13. GENERAL HEIGHT STANDARDS

DIVISION 1. HEIGHTS FOR BUILDINGS, WALLS AND FENCES

10-1-1301: EXCEPTIONS TO BUILDING HEIGHT LIMITS:

This Section applies to all zones except the R-1 and R-1-H zones. Height limits for the R-1 and R-1-H zones are specified in Section 10-1-603. Except as otherwise provided, skylights, fire and parapet walls, chimneys, ventilating fans, antennas (except personal wireless telecommunication facilities), tanks, flagpoles, penthouses or roof structures for housing elevators, lofts, stairways, air conditioning or similar equipment, and other appurtenances usually required to be placed above a building to operate and maintain it may be erected up to 15 feet above the height limits prescribed in this chapter, but no penthouse or roof structure shall be allowed for the purpose of providing additional floor area. A Conditional Use Permit is required if the appurtenance exceeds the height limit by more than 15 feet. Rooftop mechanical, storage and building circulation facilities are excluded from height limits, provided that these facilities do not occupy more than one-third (1/3) the area of the roof, are located in the interior of the roof area, and are screened so as to minimize pedestrian level view from public streets or from any neighboring residential uses. A Conditional Use Permit is required if the appurtenance is more than one-third (1/3) the area of the roof. Appurtenances do not include roof forms and architectural features which are not required to operate or maintain a building, such as ornamental towers, spires, steeples, belfries and cupolas. [Formerly numbered Section 31-150; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05; 3491, 2193.]

10-1-1302:

[Formerly numbered Section 31-151; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3690, eff. 4/11/06; Amended by Ord. 3676, eff. 8/16/05; 3669, 3548, 2930, 2370, 2193.]

10-1-1303: CORNER CUTOFF:

No structure, object, or feature, including but not limited to fences, walls, and hedges, may be erected or maintained in any zone below a height of ten (10) feet and above a height of three (3) feet above the finished ground surface within a corner cutoff area. The corner cutoff area is defined by a horizontal plane making an angle of 45 degrees with the front, side, or rear property lines as the case may be, and passing through points as follows:

A. STREETS.

At intersecting streets, ten (10) feet from the intersection at the corner of a front or side property line.

B. ALLEYS.

At the intersection of an alley with a street or another alley, ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

C. DRIVEWAYS.

At the intersection of a driveway with a street or alley, five (5) feet from the edges of the driveway where it intersects the street or alley right-of-way. [Formerly numbered Section 31-152; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3750, eff. 10/17/08; 3690; 2301.]

10-1-1304:

[Formerly numbered Section 31-153; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3690, eff. 4/11/06.]

10-1-1304.5: NOTICE OF BUILDING HEIGHT:

Whenever notice is required in accordance with this Chapter such that the height of a building is identified, the actual height shall be indicated by adding and identifying the following: 1) building height; 2) any additional height for roof and architectural features (if any); and 3) any additional height exception pursuant to Section 10-1-1301 (if any). [Added by Ord. No. 3491, eff. 9/12/98.]

DIVISION 2. HEIGHTS SURROUNDING BOB HOPE AIRPORT

10-1-1305: FEDERAL AVIATION ADMINISTRATION FILING REQUIREMENT MAP:

A. ADOPTION.

The FAA Filing Requirement Map containing an explanatory note and showing and delineating the location and boundaries of areas surrounding the Bob Hope Airport and the height limits for structures and any objects of natural growth within each area, is on file in the office of the City Clerk as the FAA Filing Requirement Map of the City and is hereby adopted by reference and declared to be a part of this chapter. A copy of the map is attached as Exhibit A and incorporated hereby this reference.

B. DIVISION INTO PARTS.

The FAA Filing Requirement Map may, for convenience, be divided into parts and each part may, for purposes of more readily identifying areas within the map, be subdivided into units and such parts and units may be separately employed for the purpose of amending the map or for official references thereto.

C. AMENDMENTS.

The FAA Filing Requirement Map shall be promptly corrected to conform to amendments thereto. [Formerly numbered Section 31-154; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3663, eff. 3/15/05.]

10-1-1306: UNCERTAINTY OF BOUNDARIES:

When uncertainty exists in applying the provisions of this division, Section 10-1-303 shall apply. [Formerly numbered Section 31-155; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3663, eff. 3/15/05; 2930.]

10-1-1307: AIRPORT AREAS AND HEIGHT LIMITS ESTABLISHED:

The following airport areas and their respective filing requirements are established as shown on the FAA Filing Requirement Map:

Zone 1: All new structures and all additions to existing structures shall be subject to the provisions of Section 10-1-1308.

Zone 2: All new structures and any additions to existing structures that increase the height of an existing structure or any portion thereof shall be subject to the provisions of Section 10-1-1308.

Zone 3: New structures or additions to existing structures or any portion thereof with a height of 35 feet or greater as measured from grade to the highest point of the structure shall be subject to the provisions of Section 10-1-1308.

Zone 4: New structures or additions to existing structures or any portion thereof with a height of 70 feet or greater as measured from grade to the highest point of the structure shall be subject to the provisions of Section 10-1-1308.

Zone 5: New structures or additions to existing structures or any portion thereof with a height of 200 feet or greater as measured from grade to the highest point of the structure shall be subject to the provisions of Section 10-1-1308. [Formerly numbered Section 31-156; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3663, eff. 3/15/05.]

10-1-1308: PROOF OF FAA NOTIFICATION OF INTENT TO CONSTRUCT:

A. Notice of Proposed Construction or Alteration. All applicants for structures subject to this Section per the terms of Section 10-1-1307 shall be required to file a Notice of Proposed Construction or Alteration with the FAA pursuant to Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77). No building permit shall be issued for any structure subject to this Section until the building permit applicant submits to the Director proof of submission of the Notice of Proposed Construction or Alteration and copies of all documentation received from the FAA in response to such Notice including the determination and any final decision of the FAA as to whether the proposed structure would be an obstruction or hazard to air navigation. Alternatively, a building permit applicant may submit a copy of a permit to allow such structure obtained from the California Department of Transportation pursuant to California Public Utilities Code Section 21659.

B. Obstruction Determination. In the event the FAA determines that the proposed structure would be an obstruction to air navigation, a building permit for the structure may be issued subject to the applicant complying with all applicable provisions of the Code. If the FAA imposes any conditions or requirements upon the proposed structure as part of its determination, including but not limited to lighting or painting requirements, the applicant shall demonstrate compliance with such conditions or requirements on the plans submitted for building permit approval.

C. Hazard Determination. In the event the FAA determines that the proposed structure would be a hazard to air navigation, then no building permit shall be issued until the applicant has applied for and obtained an Administrative Use Permit (AUP) in accordance with Section 10-1-1954 et seq. If a Conditional Use Permit (CUP) would otherwise be required for the proposed construction or alteration in accordance with Section 10-1-1934 et seq., such CUP shall be used instead of an AUP to consider the hazard status of the project and an AUP shall not be required. A hazard determination issued by the FAA shall be considered in the AUP or CUP findings and may be a basis to find the project unable to meet the required standards. In granting an AUP or CUP application, conditions may be imposed to eliminate or reduce the identified hazards to the greatest extent practicable. In addition to any other notice required by the Code, the Airport Authority shall be noticed on all AUPs and CUPs required herein. [Formerly numbered Section 31-157; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3663, eff. 3/15/05.]

10-1-1309: INITIATION OF AMENDMENT TO FAA FILING REQUIREMENTS MAP:

Amendments to the FAA Filing Requirements Map may be initiated by the Council or Board. An owner of property within a Zone established by the Map may apply for an FAA Filing Requirements Map amendment that would affect his or her own property by submitting an application to the Director on such form as the Director may prescribe. The application shall be processed in the same manner as a Zone Map Amendment. The City shall provide the Airport with notice of any requested amendments to the FAA Filing Map. [Formerly numbered Section 31-158; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3663, eff. 3/15/05.]

ARTICLE 14. GENERAL OFF-STREET PARKING STANDARDS

DIVISION 1. GENERAL PROVISIONS

10-1-1401: PARKING SPACE DIMENSIONS:

The following minimum parking space widths shall be provided:

Uses	Minimum Width
1. Residential	8'-6"
2. Retail and Services Commercial	9'-0"
3. Banks & Savings and Loan Institutions	9'-0"
4. Medical Offices	9'-0"
5. Industrial	8'-6"
6. Offices	8'-6"

The minimum width of parking spaces adjacent to walls, columns, or other vertical obstructions shall be determined by standards established by the Public Works Director.

Minimum parking space widths for uses not mentioned shall be determined by the Public Works Director. Minimum parking space heights shall be determined by the Building Official, and every parking space shall maintain a vertical height in accordance with the standards of the California Building Code.

Where banks, savings and loan institutions, and retail and service commercial uses are part of an office building or retail complex, the Public Works Director shall ascertain the number and location of those parking spaces which will be required to have a minimum width of nine (9) feet.

Minor deviations from all foregoing standards may be authorized by the Public Works Director to accommodate the safe ingress and egress of vehicles.

The following tables shall be used when determining overall parking space dimensions and aisle widths:

STANDARD CARS

Table No. 1

PARKING BAY WIDTHS FOR ONE-WAY TRAFFIC
AND DOUBLE LOADED AISLES

Minimum Stall Length = 18'0"

Parking Angle	8' - 6" Stalls	8' - 8" Stalls	8' - 10" Stalls	9' - 0" Stalls	9' - 2" Stalls	9' - 4" Stalls
30	43' - 0"	43' - 0"	43' - 0"	43' - 0"	43' - 0"	43' - 0"
32.5	44' - 2"	44' - 2"	44' - 2"	44' - 2"	44' - 2"	44' - 2"
35	45' - 3"	45' - 3"	45' - 3"	45' - 3"	45' - 3"	45' - 3"
37.5	46' - 3"	46' - 3"	46' - 3"	46' - 3"	46' - 3"	46' - 3"
40	47' - 0"	47' - 0"	47' - 0"	47' - 0"	47' - 0"	47' - 0"
42.5	48' - 4"	47' - 10"	47' - 8"	47' - 8"	47' - 8"	47' - 8"
45	49' - 10"	49' - 5"	49' - 0"	48' - 7"	48' - 7"	48' - 5"
47.5	51' - 1"	50' - 8"	50' - 3"	49' - 10"	49' - 5"	49' - 0"
50	52' - 3"	51' - 10"	51' - 5"	51' - 0"	50' - 6"	50' - 1"
52.5	53' - 3"	52' - 10"	52' - 5"	52' - 0"	51' - 6"	51' - 1"
55	54' - 2"	53' - 9"	53' - 4"	52' 11"	52' - 5"	52' - 0"
57.5	55' - 0"	54' - 7"	54' - 1"	53' - 8"	53' - 2"	52' - 9"
60	55' - 11"	55' - 5"	55' - 0"	54' - 6"	54' - 0"	53' - 7"
62.5	56' - 10"	56' - 4"	55' - 10"	55' - 4"	54' - 9"	54' - 5"
65	57' - 8"	57' - 2"	56' - 8"	56' - 2"	55' - 8"	55' - 2"
67.5	58' - 3"	57' - 9"	57' - 3"	56' - 9"	56' - 3"	55' - 9"
70	59' - 0"	58' - 6"	58' - 0"	57' - 6"	57' - 0"	56' - 6"
72.5	59' - 8"	59' - 2"	58' - 7"	58' - 1"	57' - 7"	57' - 1"
75	60' - 4"	59' - 9"	59' - 2"	58' - 8"	58' - 1"	57' - 7"
77.5	61' - 0"	60' - 5"	59' - 10"	59' - 3"	58' - 8"	58' - 2"
80	61' - 7"	61' - 0"	60' - 5"	59' - 10"	59' - 3"	58' - 8"
82.5	62' - 0"	61' - 5"	60' - 10"	60' - 3"	59' - 8"	59' - 1"
85	62' - 6"	61' - 11"	61' - 3"	60' - 8"	60' - 1"	59' - 6"
87.5	62' - 11"	62' - 3"	61' - 7"	61' - 0"	60' - 4"	59' - 9"
90	63' - 4"	62' - 8"	62' - 0"	61' - 4"	60' - 8"	60' - 0"

Table No. 2

PARKING BAY WIDTHS FOR ONE-WAY TRAFFIC
AND SINGLE LOADED AISLES

Minimum Stall Length = 18'0"

Parking Angle	8' - 6" Stalls	8' - 8" Stalls	8' - 10" Stalls	9' - 0" Stalls	9' - 2" Stalls	9' - 4" Stalls
30	27' - 6"	27' - 6"	27' - 6"	27' - 6"	27' - 6"	27' - 6"
32.5	28' - 1"	28' - 1"	28' - 1'	28' - 1"	28' - 1"	28' - 1"
35	28' - 7"	28' - 7"	28' - 7"	28' - 7"	28' - 7"	28' - 7"
37.5	29' - 1"	29' - 1"	29' - 1"	29' - 1"	29' - 1"	29' - 1"
40	29' - 6"	29' - 6"	29' - 6"	29' - 6"	29' - 6"	29' - 6"
42.5	30' - 6"	30' - 1"	29' - 10"	29' - 10"	29' - 10"	29' - 10"
45	31' - 6"	31' - 1"	30' - 8"	30' - 3"	30' - 3"	30' - 2"
47.5	32' - 6"	32' - 1"	31' - 8"	31' - 3"	30' - 10"	30' - 5"
50	33' - 5"	33' - 0"	32' - 7"	32' - 2"	31' - 9"	31' - 4"
52.5	34' - 3"	33' - 9"	33' - 4"	32' - 11"	32' - 6"	32' - 1"
55	35' - 1"	34' - 7"	34' - 2"	33' - 8"	33' - 3"	32' - 10"
57.5	35' - 11"	35' - 5"	35' - 0"	34' - 6"	34' - 0"	33' - 7"
60	36' - 9"	36' - 3"	35' - 9"	35' - 3"	34' - 9"	34' - 4"
62.5	37' - 6"	37' - 0"	36' - 6"	36' - 0"	35' - 6"	35' - 0"
65	38' - 2"	37' - 8"	37' - 2"	36' - 8"	36' - 2"	35' - 8"
67.5	38' - 11"	38' - 5"	37' - 11"	37' - 4"	36' - 10"	36' - 4"
70	39' - 8"	39' - 2"	38' - 7"	38' - 1"	37' - 6"	37' - 0"
72.5	40' - 4"	39' - 10"	39' - 3"	38' - 9"	38' - 2"	37' - 8"
75	41' - 1"	40' - 7"	40' - 0"	39' - 5"	38' - 10"	38' - 4"
77.5	41' - 10"	41' - 3"	40' - 8"	40' - 1"	39' - 6"	39' - 0"
80	42' - 6"	41' - 11"	41' - 4"	40' - 9"	40' - 2"	39' - 7"
82.5	43' - 1"	42' - 6"	41' - 11"	41' - 4"	40' - 9"	40' - 2"
85	43" - 10"	43' - 3"	42' - 7"	42' - 0"	41' - 4"	40' - 9"
87.5	44' - 7"	43' - 11"	43' - 4"	42' - 8"	42' - 0"	41' - 5"
90	45' - 4"	44' - 8"	44' - 0"	43' - 4"	42' - 8"	42' - 0"

Table No. 3

PARKING BAY WIDTHS FOR TWO-WAY TRAFFIC
AND DOUBLE LOADED AISLES

Minimum Stall Length = 18'0"

Parking Angle	8' - 6" Stalls	8' - 8" Stalls	8' - 10" Stalls	9' - 0" Stalls	9' - 2" Stalls	9' - 4" Stalls
30	51' - 2"	51' - 2"	51' - 2"	51' - 2"	51' - 2"	51' - 2"
32.5	52' - 4"	52' - 4"	52' - 4"	52' - 4"	52' - 4"	52' - 4"
35	53' - 3"	53' - 3"	53' - 3"	53' - 3"	53' - 3"	53' - 3"
37.5	54' - 2"	54' - 2"	54' - 2"	54' - 2"	54' - 2"	54' - 2"
40	54' - 10"	54' - 10"	54' - 10"	54' - 10"	54' - 10"	54' - 10"
42.5	55' - 7"	55' - 7"	55' - 7"	55' - 7"	55' - 7"	55' - 7"
45	56' - 4"	56' - 4"	56' - 4"	56' - 4"	56' - 4"	56' - 4"
47.5	57' - 0"	57' - 0"	57' - 0"	57' - 0"	57' - 0"	57' - 0"
50	57' - 8"	57' - 7"	57' - 7"	57' - 7"	57' - 6"	57' - 6"
52.5	58' - 3"	58' - 2"	58' - 2"	58' - 1"	58' - 0"	58' - 0"
55	58' - 9"	58' - 8"	58' - 7"	58' - 6"	58' - 5"	58' - 4"
57.5	59' - 4"	59' - 2"	59' - 1"	58' - 11"	58' - 9"	58' - 8"
60	59' - 9"	59' - 7"	59' - 5"	59' - 3"	59' - 1"	58' - 11"
62.5	60' - 2"	60' - 0"	59' - 9"	59' - 7"	59' - 4"	59' - 2"
65	60' - 8"	60' - 5"	60' - 2"	59' - 11"	59' - 8"	58' - 5"
67.5	61' - 1"	60' - 9"	60' - 6"	60' - 2"	59' - 10"	59' - 7"
70	61' - 5"	61' - 1"	60' - 9"	60' - 5"	60' - 1"	59' - 9"
72.5	61' - 10"	61' - 5"	61' - 0"	60' - 7"	60' - 2"	59' - 10"
75	62' - 1"	61' - 8"	61' - 3"	60' - 9"	60' - 4"	59' - 11"
77.5	62' - 5"	61' - 11"	61' - 5"	60' - 11"	60' - 5"	60' - 0"
80	62' - 8"	62' - 2"	61' - 7"	61' - 1"	60' - 6"	60' - 0"
82.5	62' - 11"	62' - 4"	61' - 9"	61' - 2"	60' - 7"	60' - 0"
85	63' - 1"	62' - 6"	61' - 10"	61' - 3"	60' - 7"	60' - 0"
87.5	63' - 3"	62' - 7"	61' - 11"	61' - 3"	60' - 7"	60' - 0"
90	63' - 4"	62' - 8"	62' - 0"	61' - 4"	60' - 8"	60' - 0"

Table No. 4

PARKING BAY WIDTHS FOR TWO-WAY TRAFFIC
AND SINGLE LOADED AISLES

Minimum Stall Length = 18'0"

Parking Angle	8' - 6" Stalls	8' - 8" Stalls	8' - 10" Stalls	9' - 0" Stalls	9' - 2" Stalls	9' - 4" Stalls
30	35' - 6"	35' - 6"	35' - 6"	35' - 6"	35' - 6"	35' - 6"
32.5	36' - 0"	36' - 0"	36' - 0"	36' - 0"	36' - 0"	36' - 0"
35	36' - 6"	36' - 6"	36' - 6"	36' - 6"	36' - 6"	36' - 6"
37.5	37' - 0"	37' - 0"	37' - 0"	37' - 0"	37' - 0"	37' - 0"
40	37' - 6"	37' - 6"	37' - 5"	37' - 5"	37' - 5"	37' - 5"
42.5	38' - 0"	37' - 11"	37' - 11"	37' - 11"	37' - 10"	37' - 10"
45	38' - 6"	38' - 5"	38' - 5"	38' - 4"	38' - 4"	38' - 3"
47.5	38' - 11"	38' - 10"	38' - 10"	38' - 9"	38' - 8"	38' - 8"
50	39' - 4"	39' - 3"	39' - 3"	39' - 2"	39' - 1"	39' - 0"
52.5	39' - 9"	39' - 8"	39' - 7"	39' - 6"	39' - 5"	39' - 4"
55	40' - 1"	40' - 0"	39' - 11"	39' - 10"	39' - 9"	39' - 8"
57.5	40' - 6"	40' - 5"	40' - 4"	40' - 2"	40' - 1"	40' - 0"
60	40' - 11"	40' - 10"	40' - 8"	40' - 7"	40' - 5"	40' - 4"
62.5	41' - 4"	41' - 2"	41' - 0"	40' - 10"	40' - 8"	40' - 7"
65	41' - 8"	41' - 6"	41' - 4"	41' - 2"	41' - 0"	40' - 10"
67.5	42' - 1"	41' - 11"	41' - 8"	41' - 6"	41' - 3"	41' - 1"
70	42' - 6"	42' - 3"	42' - 0"	41' - 9"	41' - 6"	41' - 4"
72.5	42' - 10"	42' - 7"	42' - 4"	42' - 0"	41' - 9"	41' - 5"
75	43' - 3"	42' - 11"	42' - 7"	42' - 3"	41' - 11"	41' - 8"
77.5	43' - 7"	43' - 3"	42' - 11"	42' - 6"	42' - 2"	41' - 10"
80	44' - 0"	43' - 7"	43' - 2"	42' - 9"	42' - 4"	41' - 11"
82.5	44' - 4"	43' - 10"	43' - 5"	42' - 11"	42' - 5"	42' - 0"
85	44' - 8"	44' - 2"	43' - 7"	43' - 1"	42' - 6"	42' - 0"
87.5	45' - 0"	44' - 5"	43' - 10"	43' - 2"	42' - 7"	42' - 0"
90	45' - 4"	44' - 8"	44' - 0"	43' - 4"	42' - 8"	42' - 0"

[Formerly numbered Section 31-159; Renumbered by Ord. No. 3058; Amended by Ord. No. 3692, eff. 4/30/06; 3669, 3640, 3109, 2882, 2829, 2676, 2599, 2420, 2370.]

10-1-1402: COMPUTATION OF REQUIRED PARKING:

A. FRACTIONAL REMAINDERS.

When a fractional figure is found as a remainder in computing required off-street parking, such fraction shall be construed as a whole number if it is one-half (1/2) or more.

B. FLOOR AREA.

Floor space devoted to parking within a building, including necessary interior driveways and ramps, shall be excluded from the floor area of the building in computing required off-street parking. [Formerly numbered Section 31-160; renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1402.5:

[Added by Ord. 3640, eff. 7/10/04; Amended by Ord. No. 3669, eff. 7/5/05; Deleted by Ord. No. 3676, eff. 8/16/05.]

10-1-1403: INGRESS AND EGRESS; BACKING INTO HIGHWAY:

Off-street parking shall be easily accessible from and to a street or other dedicated public right-of-way. The parking shall be so arranged that it shall not be necessary to back into a major or secondary highway to exit from the parking area. Exceptions from this requirement may be authorized by the Public Works Director if the parking area is located in an R-1 or an R-2 Zone. [Formerly numbered Section 31-161; Renumbered by Ord. No. 3058, eff. 2/21/87; 2473; 2370.]

10-1-1404: TANDEM PARKING:

Tandem parking spaces may be provided for the following uses if the spaces are properly marked and not more than two (2) cars in depth, and the parking plan is approved by the Community Development Director:

1. HOTELS.

Major hotel developments of 300 rooms or more, whereby the parking system used is a "valet type" operation, where keys to the car are left with an attendant or in the car and an attendant is on duty at all times.

2. OFFICES-PROFESSIONAL.

Spaces in excess of the number required by this chapter.

3. OFFICES-GENERAL.

a. Spaces in excess of the number required by this chapter.

b. Pursuant to an approved Conditional Use Permit, up to 50 percent of the required parking, if all the following conditions are met:

- 1. Applicant's lot is less than 50 feet in width;
- 2. Applicant's lot abuts Magnolia, Victory, or Burbank Boulevards;
- 3. Applicant can demonstrate that it is not reasonably practical to assemble a site of 50 feet or more in width; and

4. Applicant can demonstrate that the parking lot can be successfully used with the tandem design as proposed.

4. INDUSTRIAL USES.

Spaces in excess of the number required by this chapter.

5. RESTAURANTS.

Pursuant to an approved Conditional Use Permit, whereby the parking system used is a "valet type" operation provided without any charge to the user.

6. MULTI-FAMILY RESIDENTIAL.

Tandem parking is permitted in multiple family residential zones only as permitted in Section 10-1-628(I).

7. AUTOMOTIVE REPAIR SHOPS.

For all automotive repair shops, tandem parking spaces can be used to satisfy required parking.

8. CHILD DAY CARE FACILITY.

For all child day care facilities, tandem parking spaces can be used to satisfy up to 50 percent of the required parking for the child day care facility so long as the following requirements are met:

a. At least three (3) passenger unloading/loading spaces are not included as tandem parking;

b. Tandem spaces cannot exceed 50 percent of required parking;

c. A clearly marked visitor's space is provided. [Formerly numbered Section 31-162; Amended by Ord. No. 3676, eff. 8/16/05; 3640, 3457, 3298, 3267, 3200, 3181, 3109, 3058, 2829, 2331, 2193.]

10-1-1405: PARKING OR STORING AIRPLANES, BOATS, VEHICLES, ETC. WITHIN CERTAIN YARDS IN RESIDENTIAL ZONES:

No airplane, boat, house car, mobile home, motor vehicle, trailer, or part of such vehicle, shall be parked or stored in the front yard of any lot in a residential zone, or the side yard facing a street on a corner or reverse corner lot in a residential zone, except that:

1. Passenger vehicles as defined in the State Vehicle Code, excluding house cars;

2. House cars not exceeding 22 feet in length;

3. Pickup trucks not used for commercial purposes; and

4. Motor trucks while on business calls; may be parked on permanently constructed driveways within such front or side yards, if currently licensed by the State Department of Motor Vehicles and capable of movement under their own power or temporarily disabled for not to exceed 72 hours while so disabled. This section shall not apply to vehicles parked on publicly owned or operated property. [Formerly numbered Section 31-163; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1405.5: BICYCLE PARKING SPACES:

A. DEFINITION.

A BICYCLE PARKING SPACE shall be defined as the space for one (1) bicycle in a bicycle rack which is affixed to a permanent surface.

B. INSTALLATION AND MAINTENANCE REQUIREMENTS.

Bicycle parking facilities shall be installed in a manner which allows adequate space for access when the facilities are occupied, and shall be located so as to minimize the blocking of any public sidewalks or right-of-way. An encroachment permit from the Public Works Department is required for any encroachment into the public right-of-way.

Bicycle parking facilities shall be located on a hard paved surface and shall be painted with a protective coating to prevent rusting and shall be well maintained.

C. BICYCLE PARKING FOR ARCADES/BILLIARD PARLORS.

For all arcades and billiard parlors, one (1) bicycle space shall be provided for each 150 square feet of adjusted gross floor area. [Added by Ord. No. 3316, eff. 11/14/92.]

10-1-1406: SITE PLAN:

A site plan containing a detailed parking arrangement accurately dimensioned, showing individual parking spaces, aisles and driveways indicating adequate ingress and egress, as well as location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking, as provided in Article 19, Division 2 of this chapter, shall be submitted to the Building Director when application is made for a building permit requiring compliance with this article. The site plan shall be referred to the Building Director for approval. [Formerly numbered Section 31-164; renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2193.]

10-1-1407: USE OF VACANT LOTS IN RESIDENTIAL AND COMMERCIAL ZONES FOR PARKING VEHICLES:

No vacant lot in any residential or commercial zone shall be used for the parking of vehicles unless such use is a permitted use or is authorized by a Conditional Use Permit issued pursuant to the provisions of Division 4 of Article 19 of this chapter and said lot is improved and maintained in accordance with the requirements of this article and Article 16 of this chapter, or the use constitutes a valid legal nonconforming use; provided, however, that the Building Director may permit the temporary use of any unimproved vacant lot for the parking of vehicles in connection with a special event or construction. [Added by Ord. No. 2340; Formerly numbered Section 31-164.1; Renumbered by Ord. No. 3058, eff. 2/21/87; 2420.]

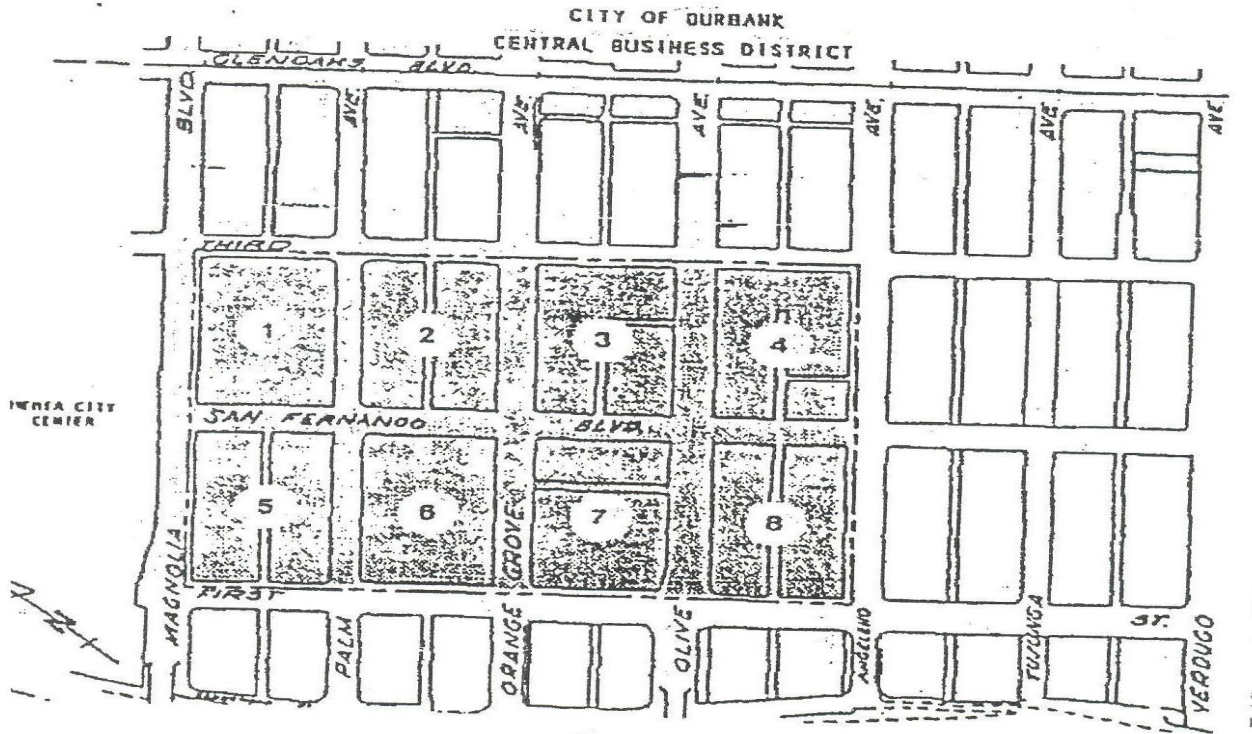
10-1-1407.01: USE OF PARKING AREAS FOR STORAGE:

All required parking shall be used solely as customer and employee parking of motorized vehicles. No required parking shall be used for the temporary or permanent storage of any other motor vehicles, or any products or materials for production, repair, sale or lease. [Added by Ord. No. 3297, eff. 8/15/92.]

10-1-1407.1: CENTRAL BUSINESS DISTRICT DOWNTOWN PARKING AREA:

A. DEFINITION.

A CENTRAL BUSINESS DISTRICT DOWNTOWN PARKING AREA (the "DISTRICT") is that area bounded by Magnolia Boulevard on the north, Angeleno Avenue on the south, Third Street on the east, and First Street on the west. The area is depicted in the map set forth below.



B. PURPOSE AND INTENT.

The District was established in 1992 and was intended to ease the current parking requirements which stifled development in the downtown area, a core area of the City. By focusing on the District as a unified business center and not as individual self parked properties, and by examining parking by shared parking and multiple destination parking concepts, it was determined through a traffic study that the overall parking was adequate for the existing buildings in the District. Based on the then current inventory, 3.5 spaces for each 1,000 square foot adjusted gross floor area exists. This District is intended to maintain this ratio at all times. Any new square footage on buildings that exceeds the existing square footage in the District to provide additional parking at 3.5 spaces for every 1,000 square feet of adjusted gross floor area.

The District was established with an assumption that all restaurants created the same demands and impacts, whether fast-food or sit-down or other types. Such assumption has been proven to be invalid, and therefore, all new restaurants in the Downtown District shall operate only after its demands and impacts on the District can be evaluated through an Administrative Use Permit in accordance with Subsection (l) below.

C. GENERAL PARKING REQUIREMENT CREDIT.

Any legally permitted use or conditional use that is allowed in its respective zone within the District as of April 25, 1992, shall be deemed to have adequate parking and deemed to meet all legally required parking space requirements under this Code as long as the square footage of the structure or building located on the property and calculated as of April 25, 1992, does not increase.

All new restaurants shall obtain an Administrative Use Permit in accordance with Subsection (I) below.

D. ADDITIONS OR INCREASED SQUARE FOOTAGE TO BUILDINGS ON SITE.

Any additional or increased square footage to any building or structure on any site in the District after April 25, 1992, will require additional parking spaces at the District parking rate of 3.5 spaces for each 1,000 square feet of adjusted gross floor area.

E. DESTRUCTION OR DEMOLITION OF BUILDING IN DISTRICT.

In the event that any building or structure is destroyed, demolished, or otherwise removed from the District, the Building Official shall calculate the new building's parking requirement to be: the number of parking spaces that were in existence as of April 25, 1992, at the site plus an additional number of parking spaces calculated at the District rate of 3.5 spaces for each 1,000 square feet of adjusted gross floor area for that amount of the new building or structure in excess of the square footage of the previous structure or building that existed on April 25, 1992.

F. MAINTENANCE OF EXISTING PARKING STOCK.

All parking spaces existing as of April 25, 1992, shall be accessible and maintained at all times, and if temporarily lost due to construction activities, the spaces shall be replaced as soon as possible.

G. CONDITIONAL USE PERMIT.

All new construction that exceeds 35 feet in height and all residential construction in the District shall have its parking standards determined by the Planning Board processed through the Conditional Use Permit process.

H. SECTION PREVAILS.

In the event that any inconsistency arises between this section and any other section in this chapter, this section shall prevail.

I. ADMINISTRATIVE USE PERMIT FOR NEW RESTAURANTS.

All new restaurants shall obtain an Administrative Use Permit (AUP) prior to operating. When a tenant space is proposed to be converted from one restaurant to another, an AUP is required if either of the following apply: 1) the proposed restaurant would have a higher parking generation rate than the previous restaurant, as determined by parking generation categories and rates published by the Institute of Transportation Engineers ("ITE"), or 2) the proposed restaurant intends to serve alcoholic beverages and the previous restaurant did not serve alcoholic beverages, or the proposed restaurant intends to serve alcoholic beverages under a different type of Alcoholic Beverage Control license than the type of license used by the previous restaurant. In addition to the findings required by Section 10-1-1959, the following special findings shall be made:

a. the restaurant is of a type which will compliment the other uses in the District and will not burden the shared parking concept. It shall identify itself into one of the ITE trip and parking generation categories (eg. Quality restaurant, Family, High turnover sit down, or fast food), and provide evidence that the demands and impacts on the District which are generated from the restaurant are fully mitigated.

b. the location of the restaurant is not one which leads to the over concentration of certain types of restaurants (as defined in (a) by ITE). The location shall not create an undue amount of any one type of restaurant in any area of the District.

c. (if applicable) the restaurant intends to provide alcohol incidental to food service, and shall provide a floor plan of the tables and bar area, as well as an annual certification of the receipts of alcohol and the receipts of food to evidence compliance with the code.

d. the restaurant type (as defined in (a) above) economically stimulates the downtown area by providing quality tenant improvements.

Notice requirements required by this Code shall be increased for these AUPs (including any appeals) to all property owners and tenants within the Central Business District Downtown Parking Area. If a restaurant requires a CUP and an AUP, the two (2) processes may be merged into one (1) CUP, but the additional AUP findings of this section remain applicable. [Added by Ord. No. 3284, eff. 4/25/92; Amended by Ord. No. 3707, eff. 11/4/06; 3644.]

DIVISION 2. PARKING REQUIREMENTS

10-1-1408: SPACES REQUIRED:

The following off-street parking spaces shall be provided:

Uses	Parking Spaces Requires
1. Residential Uses:	As provided for each residential zone in Article 6 of this chapter.
2. Commercial Uses Outside of Central Business District Downtown Parking Area:	
(a) Banks and savings and loan institutions	4 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(b) Bowling Alleys	4 spaces for each bowling lane.
(c) Gymnasiums and health studios	6 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(d) Offices – General	3 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(e) Offices – Medical	5 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(f) Mortuaries and funeral homes	1 space for every 3 fixed seats and 1 space for each 21 sq. ft. of adjusted gross floor area available for assembly without fixed seats.
(g) Places of public assembly ¹ , banquet facilities, exhibition halls, theaters, and convention halls	1 space for every 5 fixed seats and 1 space for each 28.6 sq. ft. of adjusted gross floor area available for assembly without fixed seats.
(h) Restaurant with full service, fast service ² ; cocktail lounge/bar	10 spaces for each 1,000 sq. ft. of adjusted gross floor area. 3.3 spaces for each 1,000 sq. ft. of adjusted gross floor area with an Administrative Use Permit.
(i) Restaurants, cafes, cocktail lounges and bars, which are an integral part of a hotel or motel	5 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(j) General – retail	3.3 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(k) Shopping centers	5 spaces for each 1,000 sq. ft. of adjusted gross floor area.
(l) Mini-malls	10 spaces for each 1,000 sq. ft. of adjusted gross floor area, or 1 space for each 100 sq. ft. of adjusted gross floor area. (Conditional Use Permit may reduce up to 50 percent required parking).
(m) Museum	1 space for each 300 sq. ft. of exhibit area and 1 space for every 5 seats, depending on the exact nature of the museum.
(n) Arcades/billiard parlors	5 spaces for each 1000 sq. ft. of adjusted gross floor area. (Additional parking spaces are required pursuant to Section 10-1-1405.5)

Uses

Parking Spaces Requires

- | | |
|--|---|
| (o) Personal or Physical Arts Studio,
Rehearsal Studio
(less than 1,500 sq. ft.)

(1,500 sq. ft. to 2,500)

(greater than 2,500 sq. ft.) | 3.3 spaces for each 1,000 sq. ft. of adjusted gross floor area.
4 spaces for each 1,000 sq. ft. of adjusted gross floor area.
6 spaces for each 1,000 sq. ft. of adjusted gross floor area. |
|--|---|
3. Commercial Uses Inside the Central Business District Downtown Parking Area:
4. Industrial Uses:
- | | |
|---|--|
| (a) Manufacturing and industrial and wholesale trade. | 1 space for each 500 sq. ft. of adjusted gross floor area. |
| (b) Warehouses and buildings used in whole or in part for storage purposes. | 1 space for each 1,000 sq. ft. of adjusted gross floor area. |
5. Other Uses:
- | | |
|---|--|
| (a) Convalescent homes | 5 spaces for every 12 beds or fraction thereof. |
| (b) Hospitals | Conditional Use Permit. |
| (c) Clubs | 1 space guest room. |
| (d) Hotels and motels | 1 space for each room. |
| (e) Automotive repair shops | 3 spaces for each bay or 1 space for each 250 sq. ft. of adjusted gross floor area, whichever is greater. Service bays shall not be counted as required spaces. |
| (f) Child Day Care Facilities | 1 space for every 8 children and 1 space for each State Department of Social Services required employee. |
| (g) Sober Living Facility | 1 on-site parking space for every 3 residents and 1 additional on-site parking space for each on-site resident manager and 1 space for each 28.6 square feet of meeting area used for assembly purposes if meetings area used for assembly purposes if meetings are held involving persons other than residents of the facility. |
| (h) Massage Parlors | 5 spaces for each 1,000 feet of adjusted gross floor area |
| (i) Adult businesses | As specified in Section 10-1-1120 |
| (j) Designated Media-Related Uses within 150 Feet of Residentially-Zone Property: | |
| (i) Film and Sound Editing | 3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³ |

Uses

Parking Spaces Requires

(ii) Studio – Art and Graphic Arts	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(iii) Studio – Broadcasting	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(iv) Studio - Recording	
(v) Video, Audio, Film Duplication	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(vi) Video, Audio, Film Storage/Vault	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(vii) Foley Stage (Sound Effects)	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(viii) Film/TV sound mixing - no seating area	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(ix) Motion Picture Studio	3.3 spaces for each 1000 sq. ft. of adjusted gross floor area. ³
(x) Rehearsal Studios - no recording equipment	Conditional Use Permit ³
(xi) Sound Stages	Conditional Use Permit ³
(k) Uses not specified	Conditional Use Permit ³ To be determined by the Planning Board based upon comparable requirements for specified uses.

¹ Places of Public Assembly shall include the following: a music recording studio with more than 1000 sq. ft. of adjusted gross floor area per single room of recording area; a mixing studio with more than 1000 sq. ft. of adjusted gross floor area per single room of recording area; a music scoring stage/room with more than 1000 sq. ft. of adjusted gross floor area; a voice over/ADR (Automated Dialog Replacement) stage larger than 600 sq. ft. of adjusted gross floor area; voice audition/casting room or office; any single recording room/space larger than 1000 sq. ft. of adjusted gross floor area; a film/tv mixing stage with more than ten (10) fixed audience seats, and; a screening room larger than 300 sq. ft. of adjusted gross floor area, or with more than ten (10) fixed seats.

² Restaurant uses up to 2,000 square feet in gross floor area may locate in a space previously occupied by a retail or office tenant without having to provide additional parking with approval of an Administrative use Permit (AUP).

³ For portion of use utilized as "place of public assembly," use must meet parking requirement for places of public assembly set forth in this section. [Amended by Ord. 3776, eff. 4/2/10; Formerly numbered Section 31-165; 3568; 3557, 3537, 3491, 3464, 3457, 3400, 3316, 3298, 3284, 3109, 3058, 2829, 2698, 2599, 2193.]

10-1-1409: WAIVER WITHIN A PARKING DISTRICT:

Except for buildings or parts of buildings designed, intended to be used, used or occupied for residential use, all or a portion of the required off-street parking may be waived by the Board when the property for which the parking is required is located within the boundaries of an assessment district for the acquisition of publicly owned automobile parking if either:

1. The Board finds that there are sufficient publicly owned automobile parking spaces in the vicinity to justify the waiver without detriment to the public health, welfare and safety; or

2. The owner or occupant of the property on which the waiver is to be applied pays to the City an amount equal to the fair market value of the waived parking space, the area of which shall be determined by the number of required spaces times 300 square feet, and the cost of converting such space into a parking lot, as estimated by the Public Works Director.

Before granting a waiver, the Board shall report its proposed action to the Council for approval. If the Council disapproves, the waiver shall not be granted. [Formerly numbered Section 31-166; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1410: WAIVER AS TO EXISTING USES:

The following exceptions apply to the parking space requirements:

A. SINGLE FAMILY DWELLINGS.

For single family dwellings, existing as of the effective date of Ordinance No.3640, additional parking required by this chapter may be waived if in the opinion of the Community Development Director it is not feasible to add such parking.

B. MULTIPLE DWELLING ZONES.

For multiple dwellings erected in an R-2, R-3, R-4 or R-5 Zone under a permit issued before November 11, 1963, the parking required at the time of construction shall be maintained if in the opinion of the Building Director it is not feasible to add the additional parking required by this chapter. If erected under a permit issued on or after November 11, 1963, but before October 1, 1967, the following parking spaces shall suffice if in the opinion of the Building Director it is not feasible to add the additional parking required by this chapter:

1. One and one-quarter (1-1/4) parking spaces in a garage or carport for each dwelling unit containing less than three (3) bedrooms.

2. One and one-half (1-1/2) parking spaces in a garage or carport for each dwelling unit containing three (3) or more bedrooms.

If erected under a permit issued on or after October 1, 1967, but before February 1, 1974, the following parking spaces shall suffice if in the opinion of the Building Director it is not feasible to add the additional parking required by this chapter:

1. One and one-quarter (1-1/4) parking spaces in a garage or carport for each dwelling unit containing one (1) bedroom.

2. One and one-half (1-1/2) parking spaces in a garage or carport for each dwelling unit containing two (2) bedrooms.

3. One and three-quarters (1 3/4) parking spaces in a garage or carport for each dwelling unit containing three (3) or more bedrooms.

C. COMMERCIAL, INDUSTRIAL AND OTHER USES.

Increases in off-street parking requirements imposed by this division on commercial, industrial and other uses shall not apply to such uses in existence when this provision becomes effective if in the opinion of the Building Director it is not feasible to add the additional parking; but such uses shall in any case maintain the amount of off-street parking required prior to the effective date of this provision. [Formerly numbered Section 31-167; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3640, eff. 7/10/04; 2930, 2599, 2416, 2194, 2193.]

10-1-1411: MUST SERVE ONE USE; EXCEPTIONS:

Off-street parking for one use shall not be considered as providing required off-street parking for any other use, except as expressly authorized by this article. [Formerly numbered Section 31-168; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 3. LOCATION OF PARKING AREAS

10-1-1412: LOCATION OF PARKING AREAS:

Required off-street parking shall be located as follows:

A. DWELLINGS.

For single or multiple family dwellings, off-street parking shall be located on the same lot or building site as the building is required to serve.

B. HOSPITALS, ROOMING HOUSES, CLUBS, ETC.

For hospitals, sanitariums, homes for the aged, orphanages, rooming houses, lodging houses, clubrooms, fraternity and sorority houses, off-street parking shall be located not more than 150 feet from the building it is required to serve.

C. COMMERCIAL USES.

For commercial uses, off-street parking shall be located not more than 300 feet from the use it is required to serve.

D. MANUFACTURING USES.

For manufacturing uses, off-street parking shall be located not more than 750 feet from the use it is required to serve. [Formerly numbered Section 31-169; Renumbered by Ord. No. 3058, eff. 2/21/87; 2599.]

10-1-1413: MEASUREMENT OF DISTANCES:

The distance of off-street parking from the building it is required to serve shall be based upon the shortest walking distances from the nearest point of the off-street parking to the nearest point of the building or use served. [Formerly numbered Section 31-170; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1414: OFF-SITE PARKING AGREEMENT FOR NON-SHARED AND EXCLUSIVE PARKING:

A. GENERAL PROCESS.

When required off-street parking is provided on a site other than the site on which the use to be served is located as exclusive or non-shared parking, a covenant shall be recorded in the office of the County Recorder designating the off-street parking and the use it is to serve, with legal descriptions of the sites involved, and certifying that the off-street parking shall not be used for any other purpose unless the restriction is removed by the Director. An attested copy of the recorded covenant shall be filed with the City Clerk. Upon submission of satisfactory evidence that other off-street parking has been provided in compliance with the requirements of this division or that the use has ceased or has been altered so as no longer to require the recorded off-street parking, the Director shall remove the restriction.

B. WHEN TERM OF PARKING AGREEMENT IS LESS THAN PERPETUITY.

Due to the inability of certain uses to provide on-site parking coupled with the inability to obtain long term covenants as required in (A) herein, it is the intent of this section to enable owners and tenants to provide off-site parking for limited leasehold terms. This provision may only be used in conjunction with a change of use where a previous use has adequate on-site parking as determined by the Director. New buildings must provide adequate on-site parking for some authorized use before utilizing the terms of this provision.

Required off-street parking may be provided on a site other than the site on which the use to be served is located for a limited term if an agreement is executed among the parties, including the property owner of the property with inadequate on-site parking. This agreement is in lieu of the covenant specified in Subsection (A). Such agreement shall provide:

- i) evidence of compliance with Section 10-1-1412;
- ii) terms of the parties' agreement as to the use of the off-site parking;
- iii) provision identifying the term of the parking rights which shall be the shortest leasehold interest, but not less than five (5) years (adequate proof of the leasehold terms shall be provided to the Director);
- iv) that the owner and, if applicable, the tenant, of the property with inadequate on-site parking revert, within a reasonable time, the use to a use for which code-required parking can be provided at the end of the agreed term, or earlier if the off-site parking rights cease, and no replacement parking is obtained. Alternatively, the owner and tenant may be allowed to revert the use, within a reasonable time, back to the last acceptable use, which shall specifically be identified in the agreement. This provision shall be reflected in all rental agreements between the property owner and tenant(s) at the property with the inadequate on-site parking;
- v) that the agreement is to be recorded in the office of the County Recorder designating the off-street parking and the use it is to serve, with legal descriptions of the sites involved, and certifying that the off-street parking shall not be used for any other purpose until the restriction ceases at the end of the agreed term;
- vi) for the Director's signature on behalf of the City and approved as to form by the City Attorney. The agreement shall provide that no changes may be made to the document without the prior written consent of the Director, and that the agreement runs with the property of each site;
- vii) that the owner and tenant will annually provide an affidavit certifying and confirming that the aforementioned leases are still valid and in effect. Each agreement shall designate the date for the annual certification. Should the certification of the off-site spaces authorized herein not be provided to the City on the designated date, then the City shall provide notice to the parties of a business permit revocation hearing due to parking violations. [Formerly numbered Section 31-171; Amended by Ord. No. 3482, eff. 5/9/98; 3058.]

10-1-1415: SHARED PARKING AGREEMENT - ON OR OFF-SITE:

A. DIRECTOR'S DETERMINATION.

The Director may approve the shared use of parking for two (2) or more uses occupying one (1) or more structures on a single or adjacent parcel. Shared parking may be counted towards code required off-street parking upon compliance with this section.

B. BURDEN ON APPLICANT.

1. Eligible Project. The applicant must demonstrate that the project is eligible for shared parking by submitting the following to the Director:

- a. Detailed parking studies prepared by a licensed traffic engineer to justify shared parking;
- b. Evidence of compliance with Section 10-1-1412;
- c. Evidence that parking spaces marked as "reserved" or "leased" are not counted toward shared parking.

2. Suitable Location. The applicant must demonstrate that the proposed location of the shared parking is suitable by submitting the following to the Director:

- a. If shared parking will be located on a lot other than the lot on which the structure or use to be served is located, the shared parking lot must be available for the actual lifetime of the structure or use to be served, or a minimum of five (5) years in accordance with Subsection (3) below. Such availability shall be assured either by common ownership of both the lot containing the structure or use to be served and the lot containing the parking space or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or use to be served, or less in accordance with Subsection (3) below. Evidence of such availability must consist of either proof of ownership of both the lot containing the shared parking spaces by at least one common owner or by a lease or other instrument providing for the availability of the parking space for not less than the actual lifetime of the structure or use to be served, or less if Subsection (3) is utilized.
- b. An attested copy of any instrument referred to in (a) above shall be filed with the Department of Community Development.
- c. All parties to a shared parking arrangement granted under this section, shall enter into a covenant with the City which shall be recorded in the Office of the County Recorder. This document shall serve as a notice of the restrictions under this code applying both to the lot containing the structure or use to be served and to the lot containing the shared parking space by virtue of the arrangement for provision of required on-site parking.

3. Alternative term for Shared Parking Agreement. Due to the inability of certain uses to provide on-site parking coupled with the inability to obtain shared parking which is available for the actual lifetime of the structure or use to be served as required in (2) herein, it is the intent of this section to enable owners and tenants to provide shared parking for limited leasehold terms. Required parking may be provided as shared parking for a limited term if an agreement is executed among the parties, including the property owner and tenant of the property with inadequate on-site parking, which agreement shall:

- i) provide the term of the shared parking agreement which shall be the shortest leasehold interest, but not less than five (5) years (adequate proof of the leasehold terms shall be provided to the Director in accordance with 2 (b) above);

ii) provide for the property owner and, if applicable, the tenant, of the property with inadequate on-site parking to revert, within a reasonable time, the use to a use for which code-required parking can be provided at the end of the agreed term, or earlier if the shared parking rights cease, and no replacement parking is obtained. Alternatively, the property owner may be allowed to revert the use, within a reasonable time, back to the last acceptable use, which shall specifically be identified in the agreement. This provision shall be reflected in all rental agreements between the property owner and tenant(s) at the property with the inadequate on-site parking;

iii) be recorded in the office of the County Recorder designating the shared parking and the use it is to serve, with legal descriptions of the sites involved, and certifying compliance with this subsection;

iv) provide for in the agreement that during the term of the agreement neither party will change any uses that share the parking nor change the use's hours of operation;

v) signed by the Director on behalf of the City. The agreement shall provide that no changes may be made to the document without the prior written consent of the Director, and that the agreement runs with the property of each site;

vi) that the owner and tenant will annually provide an affidavit certifying and confirming that the aforementioned leases are still valid and in effect. Each agreement shall designate the date for the annual certification. Should the certification of the off-site spaces authorized herein not be provided to the City on the designated date, then the City shall provide notice to the parties of a business permit revocation hearing due to parking violations. [Amended by Ord. No. 3482, eff. 5/9/98; Formerly numbered Section 31-171.5; 3058, 3109.]

10-1-1416: APPLICABILITY OF PARKING AREA REQUIREMENTS:

The requirements of Sections 10-1-1417, 10-1-1421, and 10-1-1422 apply to all parking areas located in all zones. The requirements of Sections 10-1-1417.1 through 10-1-1420 inclusive apply to all parking areas located in 1) all non-residential zones and 2) in residential zones which provide parking for uses located in a non-residential zone. [Formerly numbered Section 31-172; Renumbered by Ord. No. 3058, eff. 2/21/87; Deleted by Ord. No. 3676, eff. 8/16/05.]

DIVISION 4. IMPROVEMENT OF PARKING AREAS

10-1-1417: PARKING LOT DESIGN STANDARDS:

A. All off-street parking areas and accessways shall be graded, paved, and marked as follows:

1. All paved areas used for parking, loading, or vehicle circulation shall be designed consistent with accepted engineering principles for the largest type of anticipated vehicle loading in order to minimize future maintenance and safety hazards.

2. Surfaces shall be paved with concrete or suitable asphaltic surfacing to prevent the emanation of dust.

3. Surfaces shall be graded and drained in accordance with standards prescribed by the Public Works Director.

4. Parking spaces and access lanes shall be clearly marked including the use of directional arrows when necessary to guide internal movements.

B. The Public Works Director, Community Development Director, and/or the Planning Board may place special requirements on an individual site to reduce or increase the number, width, and location of driveways in order to reduce traffic hazards, decrease paved area, or mitigate on-street parking problems. The Public Works Director, Community Development Director, and/or the Planning Board may require that access, either primary or secondary, take advantage of existing public alleys.

C. Parking and directional signs shall be provided in accordance with the Burbank Municipal Code or when required by the Public Works Director.

D. Barriers shall be provided as follows:

1. Safety barriers, protective bumpers, or curbing and directional markers shall be provided to ensure pedestrian and vehicular safety and efficient utilization and protection of landscaping, and to prevent encroachment onto adjoining public or private property.

2. Concrete curbs at least six inches high shall be installed to serve as wheelstops for cars next to streets, sidewalks, buildings, or other structures, and as protective edging for planting areas.

E. All open space areas designed for active or passive recreation purposes shall be physically separated from parking areas and driveways in a fashion necessary to protect the safety of all pedestrians.

F. Visibility of pedestrians, bicyclists, and motorists shall be ensured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.

G. Internal circulation patterns and the location and traffic direction of all access drives shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety. All vehicle movements involved in loading, parking, or turning around shall occur on-site.

H. All parking lots shall be maintained as follows:

1. All paved areas shall be maintained in the manner required to eliminate safety hazards, standing water, weeds, inefficient drainage patterns, and deterioration of sub-base materials. Paved areas shall be impervious to water and shall be maintained in a sanitary condition free from refuse and debris.

2. All trees and landscape areas shall be maintained as per Section 10-1-1418:E.

3. All property owners shall perform such maintenance as required by the Community Development Director within 45 days following written notification of any pavement, landscaping, or irrigation maintenance deficiencies pursuant to this section and within seven days following written notification of unsanitary or unsafe conditions. [Formerly numbered Section 31-173; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3824, eff. 4/6/12; 3548; 2829.]

10-1-1417.1: SETBACKS AND WALLS:

A. Parking areas, trash enclosures, and utility cabinets or equipment shall be fully screened from public view through the use of berming, landscape materials, walls, buildings, lowering the elevation of parking areas below street grade, or a combination thereof. All walls to be used for screening purposes shall be of solid masonry construction and ornamental in texture, pattern, or shadow relief and shall be used in conjunction with foreground landscaping.

B. Surface parking lots shall have four foot minimum front yard and street side yard landscaped setbacks. A three foot high masonry wall, or other such protective barrier as may be approved by the Community Development Director, shall be constructed along the street frontage of a parking lot, except at accessways, to insure against unchanneled motor vehicle ingress or egress. If a wall is used as a protective device, the required landscaping must be located between the wall and the street property line.

C. All walls and landscaping materials shall comply with the corner cutoff requirements in Section 10-1-1303. [Added by Ord. No. 3297, eff. 8/15/92; Amended by Ord. No. 3824, eff. 4/6/12; 3548.]

10-1-1417.2: PARKING LOTS ABUTTING AND ADJACENT TO RESIDENTIAL ZONES:

A. Where a parking lot abuts or is across the street from a residential zone, a front yard, or street side yard if on a corner, ten (10) feet shall be landscaped and continuously maintained to provide a buffer between the parking lot and adjacent residential properties.

B. Where a parking lot abuts property in a residential zone, a masonry wall six (6) feet above the grade of the parking lot shall be constructed along the common property line, provided, however, that if the residentially zoned property to which a parking lot abuts is also being lawfully used as a parking lot, this requirement shall not apply so long as such use continues.

C. Where a parking lot is across the street from a residential zone, a six (6) foot high masonry wall shall be constructed along the interior line of the front yard, or street side yard if on a corner, except at accessways to the parking lot. The wall may be omitted if landscaping sufficient to provide aesthetic screening of the parking area is provided as approved by the Community Development Director. [Added by Ord. No. 3548, eff. 9/2/00.]

10-1-1418: LANDSCAPING:

A. All interior areas not used for parking spaces or driving aisles in a parking lot shall be landscaped. The following areas are exempt from this section:

1. Residential parking areas in R-1 and R-2 zones,
2. Parking structures, carports, and enclosed parking spaces,
3. Truck loading areas in front of overhead doors,
4. Truck maneuvering and parking areas unconnected to, and exclusive of, any vehicle parking,
5. Surfaced areas not to be used for vehicle parking, driving, or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards or fencing.
6. Vehicle display, sales, service, and storage areas.

B. Landscaping and shading plans shall be prepared by a licensed landscape architect and shall be done to the satisfaction of the Director. The licensed landscape architect shall certify that the plans comply with the requirements of this Section as well as the provisions of AB 1881, the Model Water Efficient Landscaping Ordinance. The Director may prepare guidelines to assist applicants in drafting landscaping plans.

1. Minimum Landscape Areas. A minimum of ten percent of the open parking and driveway areas shall be landscaped, exclusive of required front and exposed side yard setbacks.

a. All interior parking lot landscaping, exclusive of required front and exposed side yard setbacks, shall be located within a planter bounded by a concrete curb at least six inches high. No planter shall have a minimum dimension of less than six feet by six feet, or if no tree is located in the planter, four feet by four feet, excluding curbing. Each planter shall include a permanent automatic irrigation system appropriate for the type of landscaping installed. Each planting area shall be of adequate size for the landscaping provided.

b. Trees, shrubs, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area and shall be designed so as not to block the view of motorists and pedestrians. All shrubs and groundcover shall be a minimum five gallon size.

c. Groundcover or shrubs may not exceed three feet in height above the parking lot surface.

d. No one species shall comprise more than 75 percent of the planting within each of the following categories: trees, shrubs, and groundcover.

e. Not more than 25% of the plant or planter or landscaped area may be covered with non-plant surfaces such as gravel, landscaping rock, artificial turf or concrete.

f. All landscaped areas shall be designed so that plant materials are protected from vehicle damage or encroachment.

C. Tree Shading Requirements

1. Trees shall be planted and maintained throughout the parking lot to ensure that, within 15 years after establishment of the parking lot, at least 50 percent of the parking lot will be shaded.

a. The shade trees shall be a species that will provide a canopy-style effect.

b. Shade trees shall be a minimum 36-inch box size at planting. If a minimum 36-inch box size is determined to be technologically infeasible or impractical, the 36-inch box size may be substituted with two, 24-inch box sized trees at the discretion of the Director.

2. Upon completion of the installation of the shade trees, a licensed landscape architect shall certify that the shading complies with all requirements of this section. Certification shall be accomplished in a manner to be determined by the Director.

3. Tree species appropriate for providing shade in parking lots shall be selected from "Street Trees Recommended for Southern California" as published by Street Tree Seminar, Inc. unless an applicant can demonstrate that it is technologically infeasible, impractical or inconsistent with the landscape design of the proposed parking lot to select such tree.

D. Tree Shading Calculation

1. Landscape and shading plans shall show the estimated tree canopies after 15 years of growth, the specific names, sizes and locations of trees to be planted, and the total area in square feet of the area shaded by tree canopies. In determining the area shaded, the following methodology shall be used:

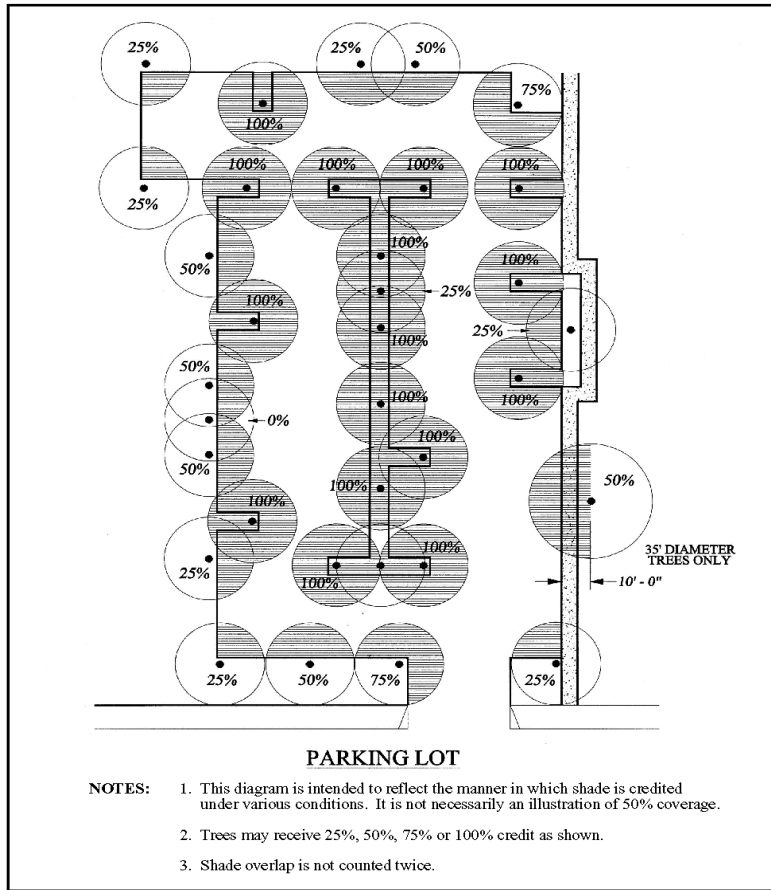
a. Shading shall be calculated using the expected diameter of the tree canopy at 15 years. The Director may establish assumed expected canopy diameters.

b. Shaded area on the pavement shall be measured assuming that the shaded area is only that area directly under the tree canopy or dripline. Diagram 10-1-1418(A) illustrates the manner in which shade is credited under various conditions.

c. The shading plans shall include a shade calculation table identifying the quantity and type of trees used and the percentage of shade credited to each. Diagram 10-1-1418 (B) illustrates the format of the shade calculation table.

d. Landscape planters under the canopy may be counted as shaded area, except in required setback areas.

Diagram 10-1-1418 A



(Graphic: City of Sacramento)

Diagram 10-1-1418 B

SYM	BOTANICAL NAME / COMMON NAME	FULL S.F.	3/4	HALF S.F.	1/4	TOTAL S.F.
T1	<i>Prunus cerasifera</i> Flowering Plum	1 @ 491	2 @ 368	3 @ 246		1,965
T2	<i>Quercus suber</i> Cork Oak		2 @ 722	6 @ 481		4,330
T3	<i>Platanus acerifolia</i> 'Yarwood' London Plane Tree		1 @ 722	12 @ 481	1 @ 240	6,734
Total Tree Shade						13,029 sq.ft.
Total Paved Area						25,430 sq.ft.
Percent Shade						51.2%

(Graphic: City of Davis)

2. The Director shall have the discretion to modify tree shading requirements under power lines and other obstructions which prohibit strict compliance with shading requirements, and to give shading credit for photovoltaic arrays, off-site trees and structures, canopies, and other structures, where appropriate.

E. Maintenance

1. The maintenance obligations provided herein shall apply to all parking facilities, whether approved prior to or after the effective date of these requirements.

2. All trees and landscape areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming.

3. All plant materials shall be maintained free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases.

4. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance.

5. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning conducted as part of regular maintenance.

6. Trees may not be trimmed or pruned to reduce the natural height, canopy size, or overall crown of the tree, except as necessary for health of the tree and public safety. All tree care shall comply with the current appropriate International Society of Arboriculture and American National Standards Institute standards.

7. Any required tree or other plants that die or are improperly maintained shall be replaced with healthy specimens of similar species or size, provided that the replacement trees shall be a minimum of 36-inch box size and shall not be required to exceed 48-inch box size.

8. Removal and replacement of trees that have caused damage to City sidewalks or other City infrastructure shall be reviewed and approved by the appropriate City Department. [Formerly numbered Section 31-174; Amended by Ord. No. 3824, eff. 4/6/12; 3548; 3297, 3058, 2930, 2599, 2193.]

10-1-1419: PARKING STRUCTURES:

A. DESIGN STANDARDS.

Parking structures require careful design to avoid potentially negative visual impacts due to adding substantial building bulk on a site. The following requirements apply only to parking located within above-grade parking structures:

1. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This can be accomplished through the use of textured concrete, planters, trellises, or other architectural treatments subject to approval by the Community Development Director.

2. Parking structures or that portion of a building that is used for parking shall be designed to substantially screen automobiles contained therein from the public view. The facade of any parking structure shall be designed so that it is similar in color, material, and architectural detail with the building that it serves for parking.

B. SETBACKS.

1. A front yard or street side yard setback averaging five (5) feet or 20 percent of building height, whichever is greater, shall be provided for above-grade parking structures. In no event shall this setback be less than three (3) feet in any one place.

2. When abutting or adjacent to R-1 or R-2 zones, above-grade parking structures shall be set back 20 feet from the residential property line. When abutting or adjacent to R-3, R-4 or R-5 zones, above-grade parking structures must be set back ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

3. Semi-subterranean parking structures shall have a landscaped front yard and street side yard setback averaging at least four (4) feet, with a minimum of three (3) feet in any place. A three (3) foot high screening device, such as a wall, landscaped berm, topographical change or other screening device shall be provided. If a wall is used as a screening device, the required landscaping must be located between the wall and the street property line.

C. LANDSCAPING.

A landscaping plan that satisfies the following requirements shall be prepared by a licensed landscape architect and shall be done to the satisfaction of the Community Development Director and the Park, Recreation and Community Services Director.

1. For front yard and street side yard setbacks of above-grade parking structures, one (1) tree shall be planted for each 20 linear feet or fraction thereof (subject to normal rounding procedures), which must be of a type to obtain a mature height at least equal to the height of the parking structure, or 25 feet, whichever is less.

2. All above-grade parking structures 25 feet or greater in height with less than ten (10) feet of landscaped setback in front or street side yards shall include provisions for landscaping on the exterior elevations of the structure on those frontages on all stories.

3. Above-grade and semi-subterranean parking structures shall include potted or boxed trees and landscaping on all open-air parking decks that are at or above grade and visible from any public right-of-way so as to provide visual relief and shading, subject to the limitations posed by the engineering of the structure with respect to the weight loads generated by such landscaping. [Formerly numbered Section 31-175; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3548, eff. 9/2/00; 2599, 2420, 2210.]

10-1-1420: LIGHTING:

All off-street parking areas shall be provided with lighting as follows:

1. Lights conforming to standards prescribed by the Public Works Director shall be installed in all nighttime parking lots used for public parking or for commercial purposes.

2. All lighting shall be arranged to prevent glare or direct illumination on adjoining properties and streets. [Formerly numbered Section 31-176; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1421: MAINTENANCE:

All off-street parking areas shall be maintained in good condition. [Formerly numbered Section 31-177; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1422: PREREQUISITES TO IMPROVEMENT AND USE:

A. PERMIT REQUIRED.

No person shall construct, enlarge, alter or improve any off-street parking lot or area without first obtaining a permit from the Building Director. Such permit shall be in addition to any Conditional Use Permit required by the provisions of this chapter, and any other permits required by the other provisions of this Code, including electrical, plumbing, sign and curb cut permits, and the permit required by Section 3-4-303 of this Code, if applicable.

B. APPLICATION AND PLAN.

To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the Building Director accompanied by a plan drawn to scale which shall be of sufficient clarity to indicate the nature and extent of the work proposed and that, when completed, such off-street parking lot or area will conform to the provisions of this article and Article 16 of this chapter.

C. APPROVAL AND PERMIT FEE.

The applicant shall, at the time of submitting his application, pay the appropriate fees designated in the Burbank Fee Resolution. The application and plan shall be checked and approved by the Director and if the work described therein conforms to the requirements of this article, a permit shall be issued for the work described in such application.

D. INSPECTION.

All work for which a permit is issued hereunder shall be subject to inspection by the Building Director.

E. CERTIFICATE OF USE.

Upon completion of all work necessary to satisfy the requirements of this article and the other applicable provisions of this Code and compliance with any requirements imposed under a Conditional Use Permit, if such was necessary, a certificate of use for off-street parking purposes shall be issued. No off-street parking lot or area shall be utilized for such purpose until such a certificate is issued by the Building Director. [Added by Ord. No. 2420; Formerly numbered Section 31-177.1; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930.]

ARTICLE 15. GENERAL OFF-STREET LOADING STANDARDS

10-1-1501: LOADING SPACES REQUIRED:

Every hospital, institution, hotel, commercial or industrial building shall provide the following loading spaces:

Total Square Feet of Floor Area	Loading Spaces Required
1. Office Buildings, Hospitals Hotels, Institutions	
10,000 - 50,000	1
50,001 - 100,000	2
100,001 - and over	3
2. Restaurants	1
3. Industrial Buildings and other Commercial Buildings	
3,000 - 15,000	1
15,001 - 40,000	2
40,001 - and over	3

[Formerly numbered Section 31-178; Renumbered by Ord. No. 3058, eff. 2/21/87; 2306.]

10-1-1502: LOADING SPACE DIMENSIONS:

Loading spaces shall be at least 300 square feet in area and shall have at least 14 feet of vertical clearance, except that the vertical clearance may be reduced when authorized by the Building Director. [Formerly numbered Section 31-179; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2306.]

10-1-1503: LOCATION OF AND ACCESS TO LOADING SPACES:

Loading spaces shall be so located and designed so that it shall not be necessary for vehicles using such space to back into a street. All loading spaces shall have a minimum depth of 30 feet from the property line when adjacent to a street.

Loading areas in commercial and industrial zones may not be located in any required front, street or interior side or rear yard. Loading areas in buildings of greater than 50,000 square feet in commercial and industrial zones must be separate from all required parking spaces and from travel lanes for parking areas. [Formerly numbered Section 31-180; Amended by Ord. No. 3297, eff. 8/15/92; 3058, 2598.]

ARTICLE 16. GENERAL VEHICULAR ACCESS STANDARDS

10-1-1601: ACCESS TO STREET:

Every lot shall be provided with permanent vehicular access to a street or an alley upon which it abuts. [Formerly numbered Section 31-181; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1602: CURB CUTS:

No vehicular access way shall be located nearer than 30 feet to the ultimate curb lines of an intersecting street, nor be provided with a curb cut of more than 18 feet in residential zones and 30 feet in other zones. The Public Works Director may permit a curb cut of not more than 38 feet in nonresidential zones if the adjacent parking area is provided with an internal circulation pattern requiring two (2)-way vehicular movement in the driveway. Curb cuts on the same lot shall be separated by at least 20 feet of uncut curb. In residential zones, each lot is limited to one curb cut for each 100 feet of street frontage along any one street except that lots with less than 100 feet of street frontage may provide one curb cut. Minor deviations from the foregoing standards may be authorized by the Public Works Director to accommodate the safe ingress and egress of vehicles. [Formerly numbered Section 31-182; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3676, eff. 8/16/05; 2473.]

10-1-1603: DRIVEWAY WIDTH:

Every driveway shall be at least 10 feet wide, and a maximum as approved by the Director. [Formerly numbered Section 31-183; Amended by Ord. No. 3267, eff. 9/28/91; 3200, 3181, 3058.]

10-1-1604: DRIVEWAY SLOPES:

The slope of a driveway or driveway ramp shall not exceed a grade of 20 percent. A grade transition shall be provided at each end of a driveway or driveway ramp in accordance with standards prescribed by the Public Works Director. [Formerly numbered Section 31-184; Renumbered by Ord. No. 3058, eff. 2/21/87; 2370.]

10-1-1605: PROTECTIVE BARRIER IN NONRESIDENTIAL ZONES:

Where a vehicular access is provided to a street in a nonresidential zone, a barrier consisting of a three (3) foot high masonry wall, or such other protective barrier as may be approved by the Director, shall be constructed along the remaining street frontage of the lot to prevent unchanneled motor vehicle ingress or egress to the property. In commercial zones, the protective barrier shall also have the same aesthetic screening effect as a block wall, as approved by the Director. [Formerly numbered Section 31-185; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930, 2598, 2183.]

10-1-1606: TURN AROUND AREAS:

A. IN ALL ZONES.

A 24 foot turning radius shall be provided for access to driveways and right-angle parking stalls. [Formerly numbered Section 31-186; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1607: APPROVAL BY PUBLIC WORKS DIRECTOR:

All vehicular accessways to the street must be approved by the Public Works Director. [Formerly numbered Section 31-187; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1608: DRIVE-THROUGH RESTAURANTS:

1. STACKING DISTANCE. All new drive-through restaurants shall have a drive-up or drive-through bay for in-car service with an on-site vehicular waiting lane. The on-site vehicular waiting lane shall be a minimum length of 160 feet as measured along the centerline from the point of entry or the beginning of a drive-through lane, to the center of the farthest service window area (the "stacking distance").

2. SEPARATE WAITING LANE FOR NEW DRIVE-THROUGH RESTAURANTS. The drive-through lane shall be a separate lane from the circulation routes and aisles necessary for ingress to or egress from the property or access to any off-street parking spaces.

3. CONDITIONAL USES. In addition to the above requirements, all new drive-through restaurants shall receive a Conditional Use Permit.

4. EXISTING USES WITH 100 FEET OR MORE OF STACKING LANE. Any drive-through restaurant in existence on or before March 2, 1996, (effective date of this section) which has at least 100 feet on-site stacking distance shall be automatically deemed a permitted use and not subject to this section.

5. EXISTING USES WITH LESS THAN 100 FEET OF STACKING LANE. Any drive-through restaurant in existence on or before March 2, 1996, (effective date of this section) which has less than 100 feet on-site stacking distance may continue operating, but may not be expanded, enlarged, or, otherwise modified until the proposed work has been evaluated by the Building Official. If the Building Official determines that the desired work will 1) prolong the useful life of the service window (s) and/or 2) increase the pre-permit building valuation, as defined herein, by ten percent or more, than the property owner shall obtain an Administrative Use Permit prior to the issuance of any building permits or other development permits. Pre-permit building valuation shall be the value of the building assessed by the Building Official as determined from the most recent edition of the International Conference of Building Officials "Building Valuation Data".

6. NEW AND EXISTING RESIDENTIALLY ADJACENT DRIVE-THROUGHS MUST COMPLY WITH SECTION 10-1-1609. On and after December 26, 1998, this entire Section 10-1-1608, including the exceptions in Subsection (4) and (5) of Section 10-1-1608 shall not apply to residentially adjacent drive-through restaurants, but rather all new and existing residentially adjacent drive-throughs shall be subject to Section 10-1-1609. [Added by Ord. No. 3431, eff. 3/2/96. Amended by Ord. No. 3503, eff. 12/26/98.]

10-1-1609: RESIDENTIALLY ADJACENT DRIVE-THROUGH ESTABLISHMENTS:

A. STACKING DISTANCE.

All new drive-throughs in new or existing residentially adjacent establishments shall have a drive-up or drive-through bay for in-car service with an on-site vehicular waiting lane. The on-site vehicular waiting lane shall be a minimum length of 160 feet as measured along the centerline from the point of entry or the beginning of a drive-through lane, to the center of the farthest service window area (the "stacking distance").

B. SEPARATE WAITING LANE.

For new drive-throughs in new or existing residentially adjacent establishments, the drive-through lane shall be a separate lane from the circulation routes and aisles necessary for ingress to or egress from the property or access to any off-street parking spaces.

C. CONDITIONAL USE PERMIT REQUIRED.

No new drive-through may be operated in a new or existing residentially adjacent establishment unless a Conditional Use Permit for the drive-through has been granted.

D. MODIFICATION OF BUSINESSES WITH EXISTING DRIVE-THROUGHS.

An existing residentially adjacent establishment with a drive-through legally operating without a Conditional Use Permit for the drive-through prior to December 26, 1998, may continue to operate; provided however that the establishment may not be expanded or enlarged or otherwise modified until the proposed work has been evaluated by the Building Official. If the Building Official determines that the desired expansion, enlargement or modification will 1) prolong the useful life of the service windows(s) and/or 2) increase the pre-permit building valuation by ten percent or more, the property owner must obtain a Conditional Use Permit for the drive-through prior to the issuance of any building permits or other development permits and must comply with subsections 10-1-1608(1) and (2) above. Pre-permit building valuation shall be the value of the building assessed by the Building Official as determined from the most recent edition of the International Conference of Building Officials. [Added by Ord. No. 3503, eff. 12/26/98.]

ARTICLE 17. PROTECTION AGAINST NUISANCES

10-1-1701: COMPLIANCE:

The requirements of this article shall be complied with notwithstanding the provisions of Article 18 of this chapter. [Formerly numbered Section 31-188; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1702: FIRE AND EXPLOSION HAZARDS:

No inflammable or explosive materials shall be stored or handled without the approval of the Fire Chief. [Formerly numbered Section 31-189; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1703: RADIOACTIVITY AND ELECTRICAL DISTURBANCES:

Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Radio-frequency energy is electromagnetic energy at any frequency in the radio spectrum between ten (10) kilocycles and three (3) million megacycles. [Formerly numbered Section 31-190; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1704: VIBRATIONS:

Every use shall be so operated that the ground vibration inherently and recurrently generated does not cause a displacement of the earth greater than three thousandths (.003) of one (1) inch as measured at any point along the line of determination as set forth in the specific zone. [Formerly numbered Section 31-191; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1705: SMOKE AND ODORS:

The regulations of the County Air Pollution Control District shall be complied with. [Formerly numbered Section 31-192; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1706: DUST, HEAT AND GLARE:

Every use shall be so operated that it does not emit dust, heat or glare in such quantities or degree as to be readily detectable on any boundary line of the lot on which the use is located. Glare from arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property. [Formerly numbered Section 31-193; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1707: NOISE:

Every use shall be so operated that it does not produce noise, or sound pressure levels, in violation of Title 9 Chapter 3 of this Code. [Formerly numbered Section 31-194; Renumbered by Ord. No. 3058, eff. 2/21/87; 2338, 2336.]

ARTICLE 18. NONCONFORMING LAND, USES AND STRUCTURES

DIVISION 1. GENERAL PROVISIONS

10-1-1801: PURPOSE:

Within the zones established by this chapter or amendments that may later be adopted there exist or will exist lots, structures, and uses of land and structures, which were lawful before the adoption or amendment of this chapter but which no longer comply. The intent of this article is to permit these nonconformities to continue until they are removed or required to be terminated, but not to encourage their survival. Such uses and structures are declared to be incompatible with permitted uses, structures and standards in the zones involved; and it is intended that they shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone, except as may be expressly permitted in this article. [Formerly numbered Section 31-195; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1802: REPLACEMENT COST:

In this absence of proof to the contrary, replacement cost as used in this article shall mean four (4) times the assessed value of the structure. [Formerly numbered Section 31-196; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 2. NONCONFORMING LAND

10-1-1803: LOT AREA REDUCED BY PUBLIC USE:

If a portion of a lot is taken or otherwise acquired for public use, the remainder of the lot may be developed although substandard as to size provided it contains no less than 80 percent of the required lot area for the zone in which it is located. [Formerly numbered Section 31-197; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1804: LOTS ACQUIRED FOR PUBLIC USE AND RESOLD:

If any portion of a lot taken or otherwise acquired for a public use is resold by the public agency after acquisition, it may be developed although substandard as to size, provided it contains no less than 80 percent of the required lot area for the zone in which it is located or is merged with contiguous land so that the combined properties contain no less than 80 percent of the required lot area for the zone in which located. [Formerly numbered Section 31-198; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1805: LOTS OF RECORD IN RESIDENTIAL ZONE:

In any residential zone a dwelling and accessory buildings of the type permitted in such zone may be erected on any single lot lawfully created and of record on the effective date of the adoption or amendment of the Zoning Ordinance, notwithstanding limitations on lot area and width imposed by other provisions of the ordinance. Yard and outdoor living and open space requirements shall be complied with unless waived by Variance. [Formerly numbered Section 31-199; Renumbered by Ord. No. 3058, eff. 2/21/87; 2370.]

10-1-1806: LOTS OF RECORD GENERALLY:

If two (2) or more lots or combination of lots with continuous frontage in single ownership are of record at the time of the adoption or amendment of the Zoning Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of such ordinance, and no portion of said parcel shall be used or sold which does not fully comply with lot width and area requirements, nor shall any division of any parcel be made which creates a lot width or lot area not in compliance with such requirements. [Formerly numbered Section 31-200; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 3. NEW USES AND STRUCTURES

10-1-1807: COMPLETION OF BUILDING:

Any structure for which a valid building permit has been granted and the actual construction of which has been started, which was conforming when the permit was granted but which became nonconforming when this chapter or any amendment thereto was adopted, may be completed in accordance with the plans and specifications on file in the Building Department, although not conforming with the provisions of this chapter, or amendment thereto, provided:

1. The construction or proposed use of the structure is not in violation of any other ordinance or law; and

2. Work on construction of the structure is diligently carried on and completed within a reasonable time.

Actual construction shall be deemed to have started when construction materials have been placed in permanent position and have been permanently fastened, except that when excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, and removal shall be deemed to be actual construction if carried on diligently to and including rebuilding. [Formerly numbered Section 31-202; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1808: CHANGE TO ANOTHER NONCONFORMING USE:

The nonconforming use of a structure or land shall not be changed to another nonconforming use except as expressly permitted in this article. [Formerly numbered Section 31-203; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 4. EXISTING USES AND STRUCTURES

10-1-1809: CONTINUATION OF USE OF LAND:

A lawful use of land made no longer permissible under the terms of this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied when the use became nonconforming.
2. Such use shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such use when the use became nonconforming.
3. If such use ceases for any reason for a period of more than three (3) consecutive calendar months, any subsequent use of such land shall conform to the requirements of this chapter for the zone in which it is located.
4. If provision is made for the termination of such use, any use of such land after termination shall conform to the requirements of this chapter for the zone in which it is located. [Formerly numbered Section 31-204; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1810: CONTINUATION OF STRUCTURE:

Any structure made nonconforming by this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such structure may not be enlarged or altered in a way which increases its nonconformity.
2. All enlargements, alterations and additions to such a structure shall conform to all standards and requirements of this Chapter for the zone in which the structure is located.
3. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost immediately prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Provided however, that any single family or multiple family residential structure in a residential zone destroyed to such extent by means of fire, flood, wind, earthquake or other natural force or by action of the public enemy, may be rebuilt to the pre-destruction configuration and size, height, lot coverage, floor area ratio, amount of off-street parking, and number of dwelling units of the previous structure, upon granting of an Administrative Use Permit.
4. Should such structure be voluntarily demolished to an extent of 50 percent or less of its replacement cost, any non-conforming features or portions of the structure that are demolished shall not be replaced unless they conform to the standards of this Chapter. "Non-conforming features or portions of a structure", as used above, include, but are not limited to, non-conforming walls and/or roofs. Such portion or feature shall be considered demolished if underlying structural elements such as foundations, framing or trusses are removed. Removal of surface or finish features such as siding, plaster, drywall, shingles, tiles, or suchlike for purposes of replacement or repair only shall not be considered demolition of the underlying element.

5. Should such structure be destroyed to an extent of 50 percent or less of its replacement cost by means of fire, flood, wind, earthquake or other natural force or by action of the public enemy:

a. The damaged structure may be repaired or rebuilt to the area, footprint and height of the previously existing structure.

b. Such repairs must be commenced within one (1) year of the event causing the damage, and must be diligently pursued until completed.

c. If during restoration or reconstruction, floor area or height is increased, the structure shall relinquish its non-conforming status, and shall become subject to Subsection (4) above.

Damage due to termites or dry rot is not considered to be a result of natural force or action for purposes of this Section, as such damage can be prevented by regular inspection and maintenance.

6. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.

7. Such structure may be repaired provided the repair work is done in compliance with the provisions of this section.

8. If provision is made for the termination of such structure or its nonconforming characteristics, any use of such land after termination shall conform to the requirements of this chapter for the zone in which it is located.

9. Stables and corrals for keeping horses shall conform, except that stables need not conform until a building, or addition to a building intended or used for human habitation exists or is hereafter constructed or moved upon abutting property and less than 20 feet separates the stable from any door, window, or other opening of the building or addition, in which case the stable shall be made to conform within one (1) year from the occurrence of such event.

10. Multiple family residential structures or properties that are made non-conforming with respect to the number of residential units due to a Zone Map or text amendment that decreases the permitted density shall not be considered non-conforming with respect to the number of units so long as all of the units were legal (as to their number) when originally constructed. The existing units on the property may be improved or expanded as if the number of units were conforming, subject to all other applicable development standards; provided, however, that any demolition or destruction of the existing structure(s) shall be subject to the requirements of this Section. This provision does not prevent a structure or property from being made non-conforming or from being considered an increase of non-conformity due to Zone Map or text amendments not pertaining to density, and does not otherwise exempt a structure from any provision of this Section or Chapter.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City or State official charged with protecting the public health or safety, upon order of such official." [Formerly numbered Section 31-205; Renumbered by Ord. No. 3058, eff.2/21/87; Amended by Ord. No. 3647, eff. 10/23/04; 3643, 2597.]

10-1-1810.5: MINOR EXCEPTIONS FOR SIDE YARD SETBACKS OF SINGLE FAMILY DWELLINGS:

A. An applicant may request a minor exception to the standards of Section 10-1-1810 for the purpose of maintaining, reconstructing, or extending a non-conforming side yard setback of an existing single-family dwelling structure in any residential zone. The requirements of this section apply only to single family dwelling structures, garages, and accessory structures and do not apply to second dwelling units or other structures.

B. A request for minor exception shall be considered for approval by the City Planner and Building Official, or their designees, and shall be approved if the following findings can be made:

1. The non-conforming minor addition, alteration or other minor non-conforming work is necessary for one (1) or more of the following reasons:

a. the work is necessary to reduce a hazard or safety problem identified by a government official charged with identifying such hazards or problems;

b. the work is necessary to maintain or improve the aesthetic appearance or architectural viability of the structure; or

c. requiring the alteration or addition to conform strictly to the requirements of Sec. 10-1-1810 would unreasonably add to the cost of construction.

2. The alteration or addition will not increase the height or number of stories of the existing non-conforming structure, and any non-conforming additions are of equal or lesser height than the existing structure.

3. The alteration or addition will not result in any decrease of the existing setback or otherwise increase the degree of non-conformity of the existing structure or create a new non-conformity

4. Windows, doors, wall covering and roof materials, and other architectural features of the alteration or addition will be consistent with the remainder of the structure.

5. The alteration or addition will not degrade the appearance or architectural quality of the structure.

6. The alteration or addition as proposed will not have unnecessary or unreasonable detrimental impacts to neighboring properties or structures including but not limited to impacts to light and sunlight, air circulation, privacy, scenic views or aesthetics.

C. If the City Planner and Building Official, or their designees, determine that any of the above findings cannot be made for the addition, alteration, or other work as proposed by the applicant, but that findings can be made for an alternative design, such alternative design may be approved subject to any requirements necessary to ensure that the findings can be made, including, but not limited to reduced length, depth, height or square-footage of the proposed addition, alteration, or work.

D. The setback of the portion or side of the structure that is being maintained, reconstructed, or added to shall be utilized for determining the minimum required setback of the addition even if other sections or sides of the structure have a lesser setback. In no event shall a reconstructed wall or addition have a setback of less than three (3) feet, regardless of the existing setback. The minor exception process discussed in this section shall not allow for setbacks of less than three (3) feet.

E. Applicants seeking to maintain or extend a non-conforming wall, roof, foundation or other structure must submit a certification from a qualified architect or engineer (but not the applicant's contractor) that the existing wall is structurally sound, free of termites or dry rot, and capable of being maintained or extended in the manner proposed.

The applicant may appeal the decision of the City Planner or Building Official to deny a request for a minor exception or to require modifications to the proposed minor exception to the Planning Board in accordance with the procedures for Appeals of Development Reviews in Sec. 10-1-1910 and Sec. 10-1-1911 of this Chapter. [Added by Ord. No. 3643, eff. 7/31/04; Amended by Ord. No. 3669, eff. 7/5/05.]

10-1-1811: CONTINUATION OF USE OF STRUCTURE:

A lawful use of a structure, or of a structure and land in combination, which is made nonconforming under this chapter as adopted or amended, may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this chapter in the zone in which it is located shall be altered, extended, constructed, reconstructed, or moved, except in changing the use of the structure to a use permitted in the zone in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the Board, by making findings in the specific case, shall find that the proposed use is more appropriate to the zone than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this chapter.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure with a replacement cost of One Thousand Dollars (\$1,000.00) or less, or of such structure and land in combination is discontinued or abandoned for 30 consecutive days, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

6. When a nonconforming use of a structure with a replacement cost of more than One Thousand Dollars (\$1,000.00), or structure and land in combination, is discontinued or abandoned for six (6) consecutive calendar months or for 12 calendar months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

7. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purposes of this paragraph means damage to an extent of more than 50 percent of the replacement cost of the structure immediately prior to destruction.

8. When a nonconforming use of a structure is replaced by a more restrictive nonconforming use, the occupancy may not thereafter revert to a less restrictive use.

9. If provision is made for the termination of such use, any use of such land after termination shall conform to the requirements of this chapter for the zone in which it is located. [Formerly numbered Section 31-206; Renumbered by Ord. No. 3058, eff. 2/21/87; 2597.]

10-1-1811.5: RESTORATION OF DAMAGED OR DESTROYED BUILDINGS:

A. BUILDINGS NONCONFORMING AS TO USE, YARDS, HEIGHT, LOT AREA, FLOOR AREA, LOADING SPACE, PARKING, OR OTHER DEVELOPMENT STANDARDS OF TITLE 10 OF THE BURBANK MUNICIPAL CODE.

A building nonconforming as to use, yards, height, number of stories, lot area, floor area, loading space, parking, or other nonconforming development standards of this chapter as determined by the Zoning Administrator, which is damaged, destroyed, or demolished as a result of a local emergency may be reconstructed with the same nonconforming height, number of stories, lot area, floor area, loading space or parking, or other nonconforming development standard as the original building if the building has been identified as a "Qualifying Building" by the City Council in a resolution and if an Administrative Use Permit has been obtained pursuant to this section.

B. QUALIFYING BUILDING.

A building shall be deemed a "Qualifying Building" pursuant to this section only if it has been posted unsafe to occupy by the Building Official because of damage from a disaster which resulted in the declaration of a local emergency, and if the City Council has thereafter identified the specific building, structure, or specific portion of a structure or building in a separate resolution as a "Qualifying Building" falling under this section.

C. ADMINISTRATIVE USE PERMIT.

Prior to obtaining a building permit, a property owner shall apply for and obtain an Administrative Use Permit from the Director in accordance with Section 10-1-1954 et seq. and as modified in this section, who shall grant the permit if he/she finds that all of the following standards will be met if the replicating occurs:

1. A building permit for the reconstruction and replication shall be issued within two (2) years of the adoption date of any City Council Resolution which identifies the "Qualifying Building" eligible to be rebuilt pursuant to this section;

2. Neither the footing nor any portion of the replacement building may encroach into any area planned for widening or extension of existing or future streets as determined by the Zoning Administrator upon the recommendation of the City Engineer;

3. Compliance with all other provisions of the Code, other than those requirements set forth in Title 10 of this Code;

4. The replicated building shall not impose detrimental circulation, parking or other adverse environmental effects on adjacent properties;

5. The replicated building will be compatible with other uses and buildings in the general area in which the replication is located;

6. The design and architectural features of the replicated building, if not identical to the original building, will be compatible to and in harmony with other buildings in the general area in which the replication is located; and

7. The conditions imposed are necessary to protect the public health, safety, convenience and welfare.

D. SPECIAL NOTICE AND HEARING REQUIREMENT.

Notice of the Director's proposed decision shall be mailed to all property owners within 300 feet of the subject property at least 15 days prior to that decision. Said notice shall advise these property owners that they have 15 days to request a special administrative hearing before the Planning Board. Any person entitled to notice may appeal the Planning Board decision to the Council in accordance with Section 10-1-1959 E or F. [Added by Ord. No. 3366; Amended by Ord. 3406 eff. 5/29/95.]

10-1-1812: ADDITIONS AND ALTERATIONS TO NONCONFORMING PUBLIC USE:

Additions, extensions and alterations may be made to any nonconforming public use, including but not limited to schools, parks, libraries, and fire stations, if the addition, extension or alteration:

1. Does not extend beyond the boundaries of the site in existence when the use became nonconforming; and

2. Does not infringe upon any off-street parking required by this chapter. [Formerly numbered Section 31-207; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1813: EXISTING GUEST HOUSES AND OTHER ACCESSORY STRUCTURES USED FOR SLEEPING OR LIVING PURPOSES IN ZONES R-1, AND R-1-H:

No existing guest house or other accessory structure in any R-1 or R-1-H Zone shall be used for sleeping or living purposes unless:

1. Such use was lawful at the time the structure was erected or converted to such use;
2. A building permit was obtained for the erection or conversion of such structure;
3. All restrictions or conditions imposed by ordinances in effect at the time of erection or conversion, or by a Variance, exception or covenant relating thereto, are complied with; and
4. The use thereof is confined to temporary non-paying guests and members of the family of the occupants of the main building.

No such structure shall be rented or otherwise used as a separate dwelling unit and no kitchen or cooking facilities shall be installed or maintained in any such structure. [Added by Ord. No. 2183; Formerly numbered Section 31-207.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05.]

DIVISION 5. TERMINATION AND REVOCATION

10-1-1814: TERMINATION BY CONDUCT:

The right to continue a nonconforming use shall terminate as follows:

1. Changing such use to another use not permitted in the zone, except as expressly permitted in this article;
2. Increasing or enlarging the area, space or volume occupied or devoted to such use, except as expressly permitted in this article;
3. Adding a conforming or nonconforming use, except as permitted in this article.
[Formerly numbered Section 31-208; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1815: TERMINATION BY OPERATION OF LAW:

Nonconforming uses and structures shall be discontinued and removed from their sites as follows:

1. Where the property is unimproved, one (1) year from the effective date of this chapter or amendment thereto creating the nonconforming status.
2. Where the property is unimproved except for structures of a type for which the Building Code does not require a building permit, three (3) years from the date the use became nonconforming.
3. Where the property is unimproved except for structures which contain less than 100 square feet of gross floor area, three (3) years from the date the use became nonconforming.
4. Outdoor advertising signs and structures, three (3) years from the date the use became nonconforming.
5. Signs on windows, signs painted on buildings, signs that flash on or off or vary regularly in luminescent intensity and displays, one (1) year from the date the use became nonconforming; other business signs, ten (10) years from the date the use became nonconforming.
6. Keeping horses in residential zones where not permitted, five (5) years from the date the use became nonconforming.
7. A nonconforming use housed in a structure designed to serve a use permitted in the zone, five (5) years from the date the use became nonconforming except that domestic animals exceeding the number permitted by this chapter and kept on the premises of the owner on November 26, 1967, may be kept on the premises for the remainder of their natural lives if the owner can prove to the satisfaction of the Animal Shelter Superintendent that they were acquired before the use became nonconforming.

8. In other cases five (5) years from the date this paragraph becomes effective or ten (10) years from the date the use became nonconforming, whichever period is greater and for such longer time so that the total life of the structure from the date of construction, based on the type of construction as defined by the Building Code, will be as follows:

- a. Type IV and Type V buildings (as defined in the Uniform Building Code) used as:
 1. One (1)-family dwellings, two (2)-family dwellings, three (3)-family dwellings, apartment houses and other buildings used for residential occupancy, 35 years;
 2. Stores and factories, 25 years;
 3. Any other building not herein enumerated, 25 years.

- b. Type III buildings (as defined in the Uniform Building Code) used as:
 1. One (1)-family dwellings, two (2)-family dwellings, three (3)-family dwellings, apartment houses, offices and hotels, 40 years;
 2. Structures with stores below and residences, offices or a hotel above, 40 years;
 3. Warehouses, stores and garages, 40 years;
 4. Factories and industrial buildings, 40 years;
 5. Any other building not herein enumerated, 40 years.

- c. Type I and Type II buildings (as defined in the Uniform Building Code) used as:
 1. One (1)-family dwellings, two (2)-family dwellings, three (3)-family dwellings, apartment houses, offices and hotels, 50 years;
 2. Theaters, warehouses, stores and garages, 50 years;
 3. Factories and industrial buildings, 50 years;
 4. Any other building not herein enumerated, 50 years.

- d. Structures which do not comply with parking, height, density, setbacks, or other development standards, as long as the use is consistent with current zoning, shall be exempt from the provisions of Subsections (8)(a), (b) and (c).

The foregoing provisions shall not apply to a nonconforming residential use in any commercial or industrial zone. [Formerly numbered Section 31-209; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3594, eff. 3/30/02; 2520, 2419, 2245.]

10-1-1816: REVOCATION:

The Council may, after notice and public hearing, revoke the right to continue a nonconforming use or structure, as follows:

A. NOTICE.

Notice shall be mailed to the recorded owner of the property not less than 20 days before the date of the public hearing. The notice shall state the facts concerning the impending action and shall request appearance by said owner at the time and place specified for the hearing to show cause why the right to a nonconforming use should not be revoked.

B. COUNCIL ACTION.

Within 15 days after the public hearing, the Council may by resolution revoke or modify the nonconforming status of the use or structure. [Formerly numbered Section 31-210; Renumbered by Ord. No. 3058, eff. 2/21/87.]

ARTICLE 19. ZONING PROCEDURES AND AMENDMENTS

DIVISION 1. GENERAL PROVISIONS

10-1-1901: INAPPLICABILITY OF FORMAL RULES OF EVIDENCE, ETC.:

The provisions of Section 65010 of the Government Code of the State of California relating to evidence and procedure in planning and zoning matters are adopted by reference and shall apply to hearings under this article. [Formerly numbered Section 31-211; Amended by Ord. No. 3259, eff. 8/10/91; 3058.]

10-1-1902: CONTINUING HEARINGS:

Any hearing conducted under this article may be continued from time to time. In the absence of a quorum, the Secretary, on behalf of the Board, and the City Clerk, of behalf of the Council, may continue a hearing to the next regular meeting. [Formerly numbered Section 31-212; Renumbered by Ord. No. 3058, eff. 2/21/87; 2193.]

10-1-1903: PROCEDURAL RULES FOR CONDUCT OF HEARINGS:

All hearings held pursuant to the provisions of this chapter shall be conducted in accordance with the following procedure:

1. The officer presiding at any such hearing shall announce the nature of the matter under consideration and, if notice of hearing is required, shall inquire as to whether the applicable provisions as to notice have been complied with.

2. Any written communications pertaining to the matter under consideration, including staff or other recommendations, shall be read or summarized and made a part of the record if relevant.

3. Persons in favor of the matter under consideration shall then be heard, followed by those who are opposed.

4. Thereafter a reasonable opportunity shall be given for rebuttal testimony. [Added by Ord. No. 2333; Formerly numbered Section 31-212.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1904: RECORD OF HEARINGS IN CONTESTED MATTERS:

A record shall be made and duly preserved of all hearings when a matter is contested and a request therefor is made in writing prior to the date of any such hearing accompanied by a deposit sufficient to cover the cost of making such record. A copy of the record of any such hearing shall be made available at cost to any person requesting the same. [Added by Ord. No. 2333; Formerly numbered Section 31-212.2; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1905: CITY ATTORNEY TO PREPARE RESOLUTIONS, ETC.:

All resolutions and other formal actions of the Council and Board required by this article shall be prepared by the City Attorney and shall set forth conditions of termination and revocation as well as conditions of approval, if any. [Formerly numbered Section 31-213; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1906: EXTENSION OF NONUSER:

The Board may extend the time within which a Variance or Conditional Use Permit must be utilized if application for an extension is made before the nonuser period has expired. Consideration of the issue of whether or not an extension should be granted shall be made in accordance with the procedures set forth in Division 3 of Article 19 of this Code in all cases involving a Variance and in Division 4 of Article 19 of this Code in all cases involving a Conditional Use Permit. [Formerly numbered Section 31-214; Renumbered by Ord. No. 3058; Amended by Ord. No. 3067, eff. 5/29/87.]

10-1-1907: FILING FEES:

Every application or filing for any entitlement or request described in this article shall be accompanied by the appropriate fees designated in the Burbank Fee Resolution. No application or filing shall be deemed complete unless such fees have been paid. [Formerly numbered Section 31-215; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930.]

DIVISION 1.5. APPEALS

10-1-1907.1: APPLICABILITY:

This Division provides procedures for appeals of decisions on project applications for all land use entitlements and permits processed pursuant to the provisions of this Article. This includes applications for entitlements and permits that are established in other Articles of this Chapter, but which refer to this Article for processing procedures. The appeal procedures of this Division also apply to applications for second dwelling unit permits as established in Division 3.5 of Article 6 of this Chapter. Any hearing before the Planning Board and/or the City Council shall be conducted as a de novo hearing. In the event a zoning application sets forth a specific procedure which differs from this Division, the specific procedure shall apply. [Added by Ord. No. 3701, eff. 9/16/06.]

10-1-1907.2: APPEAL OF DIRECTOR'S DECISION:

A. DECISION PROCEDURE.

1. A decision that requires the Director to approve, conditionally approve, or deny a project application may be appealed to the Planning Board as provided in this section. A Director's decision is not final unless and until the specified appeal period passes and no appeal is filed, or all appeals are withdrawn per Subsection (E).

2. If an appeal of a Director's decision is filed, the Planning Board must hold a de novo hearing to consider and act on the project application and appeal pursuant to the procedures established for each application type.

B. PERSONS WHO MAY APPEAL.

1. Any person, including the project applicant, may appeal a decision by the Director to approve, conditionally approve, or deny a project application.

2. If a Planning Board member files an appeal, the Board member may not participate as a decision maker in the Planning Board public hearing.

3. If a City Council member files an appeal, the Council member may not participate as a decision maker in the City Council public hearing if the Planning Board's decision on the project application is subsequently appealed to the City Council, whether or not the Council member appeals the Planning Board decision.

4. Although individual Planning Board and City Council members may file appeals as individuals, the Planning Board and City Council are not authorized as bodies to appeal or otherwise request to review a Director's decision.

C. TIME AND MANNER OF APPEAL.

1. An appeal of the Director's decision must be submitted by 5:00 p.m. on the 15th day following the date that the Director's decision is issued. If the 15th day following the Director's decision date occurs on a day when City offices are closed, the appeal must be submitted by 5:00 p.m. on the next day that City offices are open.

2. An appeal must be submitted in person to the office of the Planning and Transportation Division on a form provided by the City Planner, and must include a statement of the reasons for the appeal. Mailed, emailed or faxed appeal forms will not be accepted.

3. The form must be accompanied by the appeal fee specified in the City of Burbank Fee Resolution, as may be amended from time to time, except that Planning Board and City Council members are not required to pay the appeal fee.

D. MULTIPLE APPEALS.

1. No one should forego filing an appeal in reliance on another individual's appeal. Anyone who objects to a Director's decision, or any conditions placed upon a conditional approval, should file an appeal to ensure that its concerns are heard in the event that other appeals are withdrawn per Subsection (E).

2. Multiple individuals may collectively act as one appellant, and submit a single appeal form with a single set of reasons for appeal. In such case, payment of only one (1) appeal fee is required, and the appellants may divide the cost of the fee among themselves at their discretion.

3. Alternatively, multiple individuals may act as individual appellants, and each file its own individual appeal form. In such case, payment of the full appeal fee is required for each individual form submitted.

4. All appeals filed, whether on one (1) appeal form or multiple forms, must be considered together at a single hearing and acted upon by the Planning Board at the same time.

E. WITHDRAWAL OF APPEAL.

1. Any person who has filed an appeal may withdraw the appeal as a matter of right, until the City Planner has scheduled the Planning Board hearing. In such case, an appeal may not be withdrawn on or after the 20th day prior to the scheduled Planning Board hearing.

2. A request to withdraw an appeal must be submitted in person to the office of the Planning and Transportation Division in writing and signed by the appellant. Mailed, emailed or faxed requests for withdrawal will not be accepted.

3. If multiple individuals collectively submitted a single appeal form, all individuals signing the appeal form must sign and submit a written request to withdraw the appeal within the time specified in Subsection (1) for the appeal to be considered withdrawn.

4. If all appeals are withdrawn and no subsequent appeals are filed within the times specified in Subsections (C) and (F), then the application will be removed from the Planning Board scheduled agenda, and the Planning Board will not consider or act upon the application. The Director's decision thereafter becomes final and may not be further appealed.

F. SECONDARY APPEAL PERIOD.

1. Upon the withdrawal of an appeal (and only if no other appeals remain outstanding), a secondary ten (10)-day appeal period shall automatically commence to provide an additional opportunity to appeal (the "Secondary Appeal Period").

2. The first day of the Secondary Appeal Period is the latter of the following: 1) first day after the appeal was withdrawn, whether or not that day is a business day, or 2) the first day after the expiration of the initial 15-day appeal period provided in Subsection (C), whether or not that day is a business day. The latter date only applies to those appeals which are withdrawn during the initial appeal time period.

3. Appeals submitted during the Secondary Appeal Period must be submitted in accordance with this Section, including but not limited to the 5:00 p.m. deadline for the filing of any appeal. If the last day of the Secondary Appeal Period occurs on a day City offices are closed, then the last day for filing shall be extended to 5:00 p.m. on the next day that the City offices are open.

4. Appeals submitted during this Secondary Appeal Period may be withdrawn in accordance with Subsection (E); however, only one (1) Secondary Appeal Process is allowed on any application. Withdrawal of an appeal made during the Secondary Appeal Period will not lead to any additional appeal periods.

5. Notice of the Secondary Appeal Period will be provided to any person who requests in writing such notice. A request shall be made to the City Planner on any individual application at any time; however, only those individuals on record at the time of a withdrawal that triggers a Secondary Appeal Period shall receive notice. Notice may be provided in the manner specifically requested (telephone or electronic mail), and must also be posted at the City Planning Division counter. Additional notice may be provided through any other additional means deemed appropriate by the Director. [Added by Ord. No. 3701, eff. 9/16/06.]

10-1-1907.3: APPEAL OF PLANNING BOARD'S DECISION:

A. DECISION PROCEDURE.

1. A decision that requires the Planning Board to approve, conditionally approve, or deny a project application, including when such decision is in response to an appeal of a Director decision, may be appealed to the City Council as provided in this section. A Planning Board decision is not final unless and until the specified appeal period passes and no appeal is filed, or all appeals are withdrawn per Subsection (E).

2. If an appeal of a Planning Board decision is filed, the City Council must hold a de novo hearing to consider and act on the project application and appeal pursuant to the procedures established for each application type.

B. PERSONS WHO MAY APPEAL.

1. Any person, including the project applicant, may appeal a decision by the Planning Board to approve, conditionally approve, or deny a project application.

2. If a City Council member files an appeal, the Council member may not participate as a decision maker in the City Council public hearing.

3. If a City Council member filed an appeal of the Community Development Director's decision on the same application to the Planning Board, the Council member may not participate as a decision maker in the City Council public hearing, whether or not the Council member also appealed the Planning Board decision.

4. In lieu of individual City Council members filing appeals as individuals, the City Council may as a body vote to review a Planning Board decision per Subsection (F).

C. TIME AND MANNER OF APPEAL.

1. An appeal of a Planning Board decision must be submitted by 5:00 p.m. on the 15th day following the date that the Planning Board adopts the resolution regarding the decision. If the 15th day following the Planning Board resolution date occurs on a day when City offices are closed, the appeal must be submitted by 5:00 p.m. on the next day that City offices are open.

2. An appeal must be submitted in person to the office of the Planning and Transportation Division on a form provided by the City Planner, and must include a statement of the reason(s) for the appeal. Mailed, emailed or faxed appeal forms will not be accepted.

3. The form must be accompanied by the appeal fee specified in the City of Burbank Fee Resolution, as may be amended from time to time, except that Planning Board and City Council members are not required to pay the appeal fee.

D. MULTIPLE APPEALS.

1. No one should forego filing an appeal in reliance on another individual's appeal. Anyone who objects to a Planning Board decision, or any conditions placed upon a conditional approval, should file an appeal to ensure that its concerns are heard in the event that other appeals are withdrawn per Subsection (E).

2. Multiple individuals may collectively act as one appellant and submit a single appeal form with a single set of reasons for appeal. In such case, payment of only one appeal fee is required, and the appellants may divide the cost of the fee among themselves at their discretion.

3. Alternatively, multiple individuals may act as individual appellants, and each file its own individual appeal forms. In such case, payment of the full appeal fee is required for each individual form submitted.

4. All appeals filed, whether on one (1) appeal form or multiple forms, must be considered together at a single hearing and acted upon by the City Council at the same time.

E. WITHDRAWAL OF APPEAL.

1. Any person who has filed an appeal may withdraw the appeal as a matter of right until the City Council hearing has been scheduled. In such case, an appeal may not be withdrawn on or after the 20th day prior to the scheduled City Council hearing.

2. A request to withdraw an appeal must be submitted in person to the office of the Planning and Transportation Division in writing and signed by the appellant. Mailed, emailed or faxed requests for withdrawal will not be accepted.

3. If multiple individuals collectively submitted a single appeal form, all individuals signing the appeal form must sign and submit a written request to withdraw the appeal within the time specified in Subsection (1) for the appeal to be considered withdrawn.

4. If all appeals are withdrawn and no subsequent appeals are filed within the time specified in Subsections (C) and (G), then the application will be removed from the City Council scheduled agenda, and the City Council does not consider or act upon the application. The Planning Board's decision thereafter becomes final and may not be further appealed.

F. CITY COUNCIL REVIEW.

1. As an alternative to the appeal process, the City Council may as a body vote to set the matter for a public hearing and conduct the hearing in the same manner as an appeal. Any City Council member may request that the City Council consider setting the matter for a hearing. This alternative review process applies to all applications which can be appealed from Planning Board to the City Council.

2. Such request to set a matter for a hearing must be made on or before the 15th day following the date that the Planning Board adopted the resolution regarding the decision.

3. The request to set a matter for hearing must be made orally during the appropriate time at a City Council meeting. In the event that no City Council meeting is scheduled between the date of the Planning Board resolution and the 15th day thereafter, such request must be submitted in writing to the City Clerk, signed by an individual Council member. No fees shall be required under this process.

4. After a request is made per Subsection (3), the City Clerk must place the matter on the next regular City Council meeting agenda for consideration by the City Council. The meeting need not occur by the 15th day following the Planning Board resolution date.

5. If a City Council member filed an appeal of the Director's decision on the same application to the Planning Board, that Council member may not submit a request for City Council review and may not participate as a decision maker if the Council considers whether to hold a public hearing in response to a request for review.

6. At the time the matter is heard by the City Council, the Council must vote whether to hold a hearing to review the Planning Board's decision. If a majority of Council members vote to review the Planning Board's decision, a public hearing must be scheduled. The hearing is de novo, and the Council considers the application in the same manner as if an appeal had been filed.

(7) If the Council fails to set the application for a hearing and no appeals are filed within the time specified in Subsection (C), there is no City Council hearing and the City Council does not consider or act upon the application. The Planning Board's decision thereafter becomes final and may not be further appealed.

G. SECONDARY APPEAL PERIOD.

1. Upon the withdrawal of an appeal (and only if no other appeals remain outstanding), a secondary ten (10)-day appeal period shall automatically commence to provide an additional opportunity for the public to appeal (the "Secondary Appeal Period").

2. The first day of the Secondary Appeal Period is the latter of the following: 1) first day after the appeal was withdrawn, whether or not that day is a business day, or 2) the first day after the expiration of the initial 15-day appeal period provided in Subsection (C),

whether or not that day is a business day. The latter date only applies to those appeals which are withdrawn during the initial appeal time period.

3. Appeals submitted during the Secondary Appeal Period must be submitted in accordance with this Section, including but not limited to the 5:00 p.m. deadline for the filing of any appeal. If the last day of the Secondary Appeal Period occurs on a day City offices are closed, then the last day for filing shall be extended to 5:00 p.m. on the next day that the City offices are open.

4. Appeals submitted during this Secondary Appeal Period may be withdrawn in accordance with Subsection (E); however, only one (1) Secondary Appeal Process is allowed on any application. Withdrawal of an appeal made during the Secondary Appeal Period will not lead to any additional appeal periods.

5. Notice of the Secondary Appeal Period will be provided to any person who requests in writing such notice. A request shall be made to the City Planner on any individual application at any time; however, only those individuals on record at the time of a withdrawal that triggers a Secondary Appeal Period shall receive notice. Notice may be provided in the manner specifically requested (telephone or electronic mail), and must also be posted at the City Planning Division counter. Additional notice may be provided through any other additional means deemed appropriate by the Director. [Added by Ord. No. 3701, eff. 9/16/06.]

DIVISION 2. DEVELOPMENT REVIEW¹

10-1-1908: PURPOSE:

Development Review is intended to preserve stability of existing residential neighborhoods, provide suitable living environments, promote quality of design in commercial and industrial development as well as multi-family residential development, promote orderly, attractive and harmonious development, facilitate a balance of housing types and values, prevent deterioration of local air quality, and to ensure that traffic demands do not exceed the capacity of streets. Through the combined resources of public input, environmental impact analysis, and municipal code enforcement, Development Review is also intended to coordinate growth and to control the erection of structures so that compatibility is maintained between new development and existing residential neighborhoods, and so that the performance standards of this chapter are maintained and implemented.

Furthermore, Development Review is intended to expedite and streamline the building permit process. By gathering information at the earliest possible stage and exchanging that information between the property owner/developer and the City staff, the performance standards of this chapter can be maintained and implemented at the earliest stages of the development process. [Added by Ord. No. 3190; Formerly numbered Section 31-216; Amended by Ord. No. 3815, eff. 7/29/11; 3785, 3762; 3744, 3722, 3702, 3701, 3676, 3633, 3485, 3307, 3058.]

10-1-1909: SUBMISSION OF DEVELOPMENT REVIEW:

A. PRE-APPLICATION CONFERENCES.

Prior to filing an application for Development Review, the applicant may meet with the Director or his/her designee to discuss possible development design and dedication requirements, applicable processing procedures, and other information the Director may require. In order to determine the information needed for application submittal, the Director may share the pre-application information with other City departments.

B. APPLICATION SUBMITTAL.

An applicant shall submit an application for Development Review, including the application fee in an amount designated by the Burbank Fee Resolution and as amended from time to time, and all other information required by the Director or designee.

C. APPLICATION COMPLETENESS.

Not later than 30 calendar days after application submittal, the Director or designee shall determine whether such application is complete and accepted for processing. In the event the application is determined not to be complete, the Director shall transmit such determination in writing to the applicant. The determination shall specify those parts of the application which are incomplete and shall indicate the manner in which such application may be made complete.

¹NOTE: This Division sunsets on July 31, 2013, at which time it is repealed and the following Division becomes effective on August 1, 2013.

After the Director accepts an application as complete, the Director shall not subsequently require an applicant to furnish any new or additional information which was not required as a part of the application; provided that nothing shall limit the Director from requesting additional information from the applicant to complete the project's environmental review pursuant to the California Environmental Quality Act ("CEQA"). The Director may, in the course of processing the application, require the developer to clarify, amplify, correct, or otherwise supplement the information required for the application. In the event a decision to approve or deny a Development Review application is appealed to the Planning Board and/or City Council, the Director may require the applicant to provide revised project plans prior to the Planning Board and/or City Council hearing that demonstrate compliance with Code and/or conditions of approval imposed. Conditions of approval may require additional information to be submitted in conjunction with future applications for project construction.

D. DEVELOPMENT REVIEW PROCEDURES.

The Director shall prepare, and regularly maintain procedures to implement this Division and assist the public understanding of the Development Review process, and to assist applicant preparation of adequate plans for submittal. These procedures may provide for alternative processing requirements for minor projects that the Director or designee finds conform to the requirements of the Code and which are consistent with adopted plans and policies of the City. [Added by Ord. No. 3190; Formerly numbered Section 31-217; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701, 3587, 3485, 3307, 3058.] [*City of Burbank v. Burbank-Glendale-Pasadena Airport Authority* (1999) 72 Cal.App.4th 366, 375, 85 Cal.Rptr.2d 28]

10-1-1909.1: COMMUNITY MEETING:

A. PURPOSE AND INTENT.

This Section requires the Director to host a community meeting prior to any action being taken to approve or deny a Development Review application. The purpose and intent of the community meeting is to provide information to the public about a proposed project and to receive comments from persons who would potentially be affected by the project. The community meeting provides an opportunity for the public to become involved in the project review process and to share concerns prior to action being taken on a Development Review application.

B. MEETING PROCESS.

1. Prior to any decision or public hearing to approve or deny a Development Review application, the Director must hold a community meeting. The meeting must be open to the general public and conducted at a time and location that is convenient for public attendance. The Director may create rules, regulations, and procedures to govern meeting activities and conduct.

2. The project applicant and/or their representative must attend the community meeting. The applicant's role in the meeting is to present the proposed project to the members of the public at the meeting, to answer questions about the project, and to listen to the comments and concerns from the public with the intent of working with the Director to address those concerns when necessary and appropriate.

3. No decision regarding the application or any conditions of approval to be placed upon a conditional approval may be made at the meeting. The meeting is not a public hearing and is not subject to the requirements of the Brown Act.

4. In the event a Development Review application is being processed in conjunction with another application that requires a Planning Board or City Council hearing pursuant to Section 10-1-1909.2(C), or requires its own Planning Board hearing per Section 10-1-1911, the community meeting must be held prior to the public hearing.

C. NOTICE OF MEETING.

Notice of the community meeting must be mailed to the same individuals receiving mailed notice of the Director's decision per Section 10-1-1910 or the Planning Board hearing per Section 10-1-1911. The public notice for the community meeting and the notice of Director's decision or Planning Board hearing may be combined into a single mailed notice. The meeting notice must be mailed no less than 10 days prior to the community meeting. [Added by Ord. No. 3702, eff. 9/16/06; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3701.]

10-1-1909.2: DECISION PROCESSES AND ENVIRONMENTAL REVIEW:

A. Process types.

The decision process for Development Review applications differs depending upon the type of project and the number of vehicle trips expected to be generated by the proposed project during the AM and PM peak traffic hours.

B. An application for a residential project located in a multiple family residential zone shall be deemed a discretionary Development Review "project" pursuant to the California Environmental Quality Act ("CEQA") and shall be subject to a review of its potential impact on the environment as set forth in Title 9 Chapter 3 of this Code and in the State CEQA Guidelines. Such applications are acted upon by the Community Development Director as provided in Section 10-1-1910.

C. An application for a project, other than a residential project in a multiple family residential zone, that is expected to generate 50 or more vehicle trips during either the AM or PM peak traffic hours shall be subject to a discretionary Development Review process and shall be subject to a review of its potential impact on the environmental as set forth in Title 9 Chapter 3 of this Code and in the State CEQA Guidelines. Such applications are acted upon by the Planning Board as provided in Section 10-1-1911.

D. An application for a project, other than a residential project in a multiple family residential zone, that is expected to generate fewer than 50 vehicle trips during the AM and PM peak traffic hours shall not be deemed a discretionary Development Review project nor subject to CEQA unless it is located within 150 feet of a single family residential zone as provided in Subsection (E). Such applications are acted upon by the Community Development Director as provided in Section 10-1-1910 and are intended to be processed as ministerial applications, unless subject to Subsection (E).

E. An application for a non-residential project within 150 feet of a single family residential zone shall be deemed a discretionary Development Review “project” pursuant to CEQA and shall be subject to a review of its potential impact on the environment as set forth in Title 9 Chapter 3 of this Code and in the State CEQA Guidelines. Such applications may be approved by the Community Development Director or Planning Board depending upon their expected trip generation as provided in Subsections (C) and (D).

F. Trip generation.

1. Upon submittal of a Development Review application (except applications for residential projects located in multiple family residential zones), the expected trip generation for the project must be calculated to determine under which procedure the application will be processed. The number of vehicle trips expected to be generated by the project during the AM and PM peak traffic hours must be calculated or confirmed by the Director using standard trip rates published in the latest edition of the trip generation manual published by the Institute of Transportation Engineers, or using other industry-standard rates, data, or practices deemed acceptable and appropriate by the Director.

2. The trip calculation must include all new structures and uses included in the proposed project as proposed in the Development Review application. The calculation does not include existing uses and structures on the project site. When a Development Review application includes demolition or removal of existing structures or uses or conversion of a structure to a different use, credit may be given for the existing development by subtracting the expected trip generation of the existing structures or uses being removed or converted from the expected trip generation of the new structures and uses. A single project may not be split among multiple Development Review applications for the purpose of dividing or reducing the trip generation from the project.

3. For the purposes of the trip generation calculation, base trip generation rates must be used without any adjustments or reductions based upon project location, proximity to transit, or other factors. This is not intended to prohibit such adjustments or reductions from being applied for the purpose of traffic impact analysis.

4. A project applicant may submit data or other evidence prepared by a traffic engineer or transportation planner to support the use of a particular trip generation rate for a proposed project. The Director must consider any such evidence submitted, but may decide in his or her sole discretion what trip rate or rates are most appropriate to apply to a proposed project.

5. Based upon the number of trips generated during the AM and PM peak hours, the application is processed as provided in this Section.

G. Alternative decision process.

In the event a Development Review application is being processed in conjunction with another application that requires a decision by the Planning Board or City Council, the Development Review application must be processed in conjunction with the other application and acted upon by the Planning Board or City Council, as the case may be, concurrent with the other application, regardless of the project’s traffic generation. [Added by Ord. No. 3702, eff. 9/16/06; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3701.]

10-1-1910: PROCESS FOR DIRECTOR APPROVAL:

A. APPLICABILITY.

This Section provides the decision process for Development Review applications for residential projects located in multiple family residential zones, and for projects that generate fewer than 50 vehicle trips during the AM and PM peak traffic hours, as determined per Section 10-1-1909.2.

B. DIRECTOR APPROVAL.

Within a reasonable time after the Development Review application has been accepted as complete, the community meeting required by Section 10-1-1909.1 has occurred, the environmental review has been completed, and after public notice has been provided as required in Subsection (C), the Director shall approve, conditionally approve, or disapprove the application. The applicant shall be notified of the Director’s decision and shall be provided with a copy of the Director’s decision letter, which shall include any deficiency or conditions of approval. The notice may be given by first class mail, postage prepaid or by any such other means as the Director may deem appropriate. Unless appealed, the decision of the Director shall be final.

C. PUBLIC NOTICE.

Prior to the Director’s decision on a Development Review application, public notice shall be mailed to every property owner and occupant within 1000 feet of the project site. Such notice shall be mailed no less than ten (10) days prior to the scheduled Director’s decision date and shall include information about the proposed project, the Director’s pending decision, and information about when and how an appeal may be filed.

D. PUBLIC NOTICE SIGN.

In addition to the public notice provided per Subsection (C), the applicant must post on the subject property one four (4) foot by eight (8) foot sign, in a location and manner approved by the Community Development Director. The sign shall include the project address, a brief project description, the scheduled Director’s decision date, and contact information for the project applicant and the Community Development Department. The sign shall be posted no less than 10 days prior to the scheduled Director’s decision date. At the discretion of the Director, the applicant may be exempted from the on-site sign requirement if the Director determines either that a sign cannot adequately be placed on-site or that the applicant is a charitable non-profit organization.

E. DECISION DATE.

If circumstances require, the Director’s decision may occur on a date later than the date provided in the public notice and on the public notice sign. The decision may not occur on a date earlier than the date provided in the public notice and on the sign.

F. APPEALS.

The Director’s decision regarding a Development Review application may be appealed pursuant to Section 10-1-1907.2. The appeal shall specify the action or decision appealed and the reasons why the person filing the appeal believes the action or decision appealed from should not be upheld. In the event the Director’s decision occurs on a date later than the date provided in the public notice, the appeal period shall be measured from the date that the decision actually occurred, and not the date provided in the notice.

G. APPEAL HEARING DATE AND NOTICE OF HEARING.

Upon the filing of an appeal, the Director shall set the Development Review application for hearing before the Planning Board within a reasonable time after the filing of the appeal. Notice of the time and place of the hearing, including a general description of the location of the property involved in the Development Review application, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation in the City. Such notice shall also be given by mailing, through the United States mail, to the applicant, to each appellant, to every person filing with the Director a written request for a notice with respect to the Development Review application, and to each person previously mailed notice of the Director's decision on the Development Review application.

H. PLANNING BOARD DECISION AND APPEAL.

At the conclusion of the hearing, the Planning Board shall render its decision on the appeal. Unless appealed, the decision of the Planning Board is final. The decision of the Planning Board may be further appealed to the City Council per Section 10-1-1907.3. Notice of a City Council appeal hearing shall be provided in the same manner as notice of a Planning Board hearing per Subsection (G). [Added by Ord. No. 3190; Formerly numbered Section 31-218; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701, 3587, 3307, 3264, 3058.]

10-1-1911: PROCESS FOR PLANNING BOARD APPROVAL:

A. APPLICABILITY.

This Section provides the decision process for Development Review applications for projects other than residential projects located in multiple family residential zones that generate 50 or more trips during the AM or PM peak traffic hours, as determined per Section 10-1-1909.2.

B. PLANNING BOARD HEARING.

Within a reasonable time after the Development Review application has been accepted as complete, the community meeting required by Section 10-1-1909.1 has occurred, and any appropriate environmental assessment has been completed, the Director shall schedule a public hearing for the Planning Board to consider the Development Review application.

C. PUBLIC NOTICE.

No less than ten (10) days prior to the Planning Board public hearing, public notice shall be published once in a newspaper of general circulation in the City and shall be mailed to the applicant, to every person filing with the Director a written request for a notice with respect to the Development Review application, and to every property owner and occupant within 1000 feet of the project site.

D. PUBLIC NOTICE SIGN.

In addition to the public notice provided per Subsection (C), the applicant must post on the subject property one four (4) foot by eight (8) foot sign, in a location and manner approved by the Community Development Director. The sign shall include the project address, a brief project description, the Planning Board hearing date, and contact information for the project applicant and the Community Development Department. The sign shall be posted no less than ten (10) days prior to the Planning Board hearing date. At the discretion of the Community Development Director, the applicant may be exempted from the on-site sign

requirement if the Director determines either that a sign cannot adequately be placed on-site or that the applicant is a charitable non-profit organization.

E. PLANNING BOARD DECISION AND APPEAL.

At the conclusion of the hearing, the Planning Board shall render its decision on the Development Review application. Unless appealed, the decision of the Planning Board is final. The Planning Board's decision regarding a Development Review application may be appealed pursuant to Section 10-1-1907.3. The appeal shall specify the action or decision appealed and state the reasons why the action or decision appealed from should not be upheld.

F. APPEAL HEARING DATE AND NOTICE OF HEARING.

Upon the filing of an appeal, the City Clerk shall set the Development Review application for hearing before the City Council within a reasonable time after the filing of the appeal. Notice of a City Council hearing shall be provided in the same manner as notice of the Planning Board hearing per Subsection (C). An additional sign per Subsection (D) is not required.

G. DECISION OF CITY COUNCIL.

At the conclusion of the appeal hearing, the City Council shall render its decision on the Development Review application and appeal. The decision of the Council shall be final. [Added by Ord. No. 3190; Formerly numbered Section 31-219; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701, 3307, 3264, 3058.]

10-1-1912: REQUISITES FOR APPROVAL AND CONDITIONS OF APPROVAL:

A. Applicability. This Section provides the requisites for approval of a Development Review application.

1. The Community Development Director, Planning Board, and City Council may not approve a Development Review application unless the Director, Board, or Council finds that the requisites for approval provided in this Section have been satisfied. Requisites from more than one (1) subsection may apply to a single project application.

2. If the Director, Board, or Council finds that minor revisions to a project are needed to satisfy the requirements of this Section, the application may be approved subject to conditions of approval as provided in Subsection (F). If the Director, Board, or Council finds that an application does not meet the requirements of this Section or that major revisions to a project are needed to satisfy the requirements, the application may be disapproved.

B. All Development Review applications. Development Review applications for all projects in all zones may not be approved unless the proposed project complies with all applicable provisions of this Chapter.

C. Projects in Multiple Family Zones. Development Review applications for all projects in Multiple Family Residential Zones are also subject to the Neighborhood Character and Compatibility requirements in Section 10-1-631. That section is incorporated herein by this reference.

D. Non-residential projects within 150 feet of single family zoned property. Development Review applications for non-residential projects within 150 feet of single family zoned property shall not be approved unless the Director, the Planning Board, or the City Council finds that the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect:

- a. Facilities and improvements.
- b. Vehicular ingress, egress and internal circulation.
- c. Setbacks.
- d. Height of buildings.
- e. Location of services.
- f. Walls.
- g. Landscaping.
- h. Lighting.
- i. Signs.

E. Projects with 50 or more trips. Development Review applications for projects other than residential projects in multiple family residential zones that are expected to generate 50 or more vehicle trips during either the AM or PM peak traffic hours as determined per Section 10-1-1909.2 may not be approved unless the Director, Planning Board, or City Council finds that the project would not have an adverse effect on traffic flow or circulation, or, any traffic impacts are deemed acceptable due to the benefits of the project to the community outweighing any potential adverse traffic impacts. In making this determination, the following factors must be considered:

- a. Impacts on traffic circulation on streets or alleys due to on-site parking and circulation, vehicle ingress and egress points, or volumes of traffic generated.
- b. Significant impacts to the level of service at intersections as identified through a traffic impact analysis and environmental review.

F. Conditions. The Director, Planning Board, and City Council may approve a Development Review application subject to compliance with specified conditions of approval. Any conditions imposed must be for the purpose of ensuring compliance with the Burbank Municipal Code, compliance with the requirements and findings of this Section, or protecting the public health, safety, or welfare. The owners of the land may be required to execute a covenant running with the land and recorded in the Office of the County Recorder, in a form approved by the City Attorney, containing the conditions imposed. The Director shall issue releases from such covenants when such covenants are no longer applicable to a property. [Added by Ord. No. 3190; Formerly numbered Section 31-1913; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701, 3676, 3633, 3485, 3307, 3264, 3058.]

10-1-1913: TERMINATION OF DEVELOPMENT REVIEW APPROVAL:

Development Review approval shall terminate one (1) year from the date of approval unless:

1. An application for building permit is filed prior to the termination date, and
2. The building permit application or approved building permit does not expire.

If such approval is appealed or a moratorium is imposed, time spent during the appeal or moratorium process shall not be counted toward this termination or toward applicable time limits for the review and processing of development permits. [Added by Ord. No. 3190; Formerly numbered Section 31-1914; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701, 3485, 3307, 3058.]

10-1-1914: APPLICABILITY AND EXEMPTIONS:

Approval of a Development Review application shall be required prior to the issuance of any building, grading, or demolition permit for any project in any zone unless the project is specifically exempted by this Section or other provisions of this Chapter. The following classes of projects are exempt from Development Review:

1. Single family residential construction projects in a single family residential zone;
2. Interior remodeling of an existing structure provided, such remodeling does not include a change in use;
3. Additions to or new construction of a single family home including accessory structures thereto on a multiple family zoned lot used for single family residential purposes;
4. Additions to or detached accessory structures to any existing non-residential structure which do not exceed 1,000 square feet in gross floor area, except that such projects that would generate 50 or more trips during peak traffic hours as determined per Section 10-1-1909.2 are not exempt;
5. Additions to or detached accessory structures to any existing multiple family residential structure that do not 1) exceed 500 square feet in gross floor area, 2) add any dwelling units to an existing project, or 3) add any bedrooms to an existing unit so as to require one (1) or more additional parking spaces;
6. Minor revisions to a project as determined by the Director which previously received Development Review Approval and where such approval has not expired;
7. Demolition of buildings when determined by the Director or designee to be beneficial to the public health, safety or general welfare; or, when such demolition is not done in preparation for a building permit subject to Development Review; and
8. Minor projects which the Director determines to be highly consistent with adopted plans of the City and in compliance with the Code. [Added by Ord. No. 3190; Formerly numbered Section 31-1915; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701, 3676, 3669, 3307, 3058.]

10-1-1915: APPEAL TO CITY PLANNER IF BUILDING PERMIT ISSUANCE IS DENIED AND PROJECT EXEMPT FROM DEVELOPMENT REVIEW:

In the event a project applicant is denied a building permit for a project which is otherwise exempt from the provisions of Development Review, and the denial of the permit is based on zoning code violations which an applicant feels do not apply to its project due to its legal nonconforming use status or otherwise, an applicant may appeal that decision to the City Planner. The applicant shall request a meeting before the City Planner or its designee for a final determination on the applicability of that zoning provision on the project. The meeting will be held no later than 15 days after a formal request for a meeting pursuant to this section is requested in writing with the City Planner. The City Planner shall make a determination within ten (10) days of the meeting. The determination shall be final. No applicant may file a relevant court case until the City Planner determination has been issued. [Originally deleted by Ord. No. 3307, eff. 9/25/92; Added by Ord. 3676, eff. 8/16/05; Amended by Ord. No. 3762, eff. 7/10/09; 3744, 3722, 3702, 3701.]

¹NOTE: This Division sunsets on July 31, 2013, at which time it is repealed and the following Division becomes effective on August 1, 2013.

DIVISION 2. DEVELOPMENT REVIEW

10-1-1908: PURPOSE:

Development Review is intended to preserve stability of existing residential neighborhoods, provide suitable living environments, promote quality of design in commercial and industrial development as well as multi-family residential development, promote orderly, attractive and harmonious development, facilitate a balance of housing types and values, prevent deterioration of local air quality, and to ensure that traffic demands do not exceed the capacity of streets. Through the combined resources of public input, environmental impact analysis, and municipal code enforcement, Development Review is also intended to coordinate growth and to control the erection of structures so that compatibility is maintained between new development and existing residential neighborhoods, and so that the performance standards of this chapter are maintained and implemented.

Furthermore, Development Review is intended to expedite and streamline the building permit process. By gathering information at the earliest possible stage and exchanging that information between the property owner/developer and the City staff, the performance standards of this chapter can be maintained and implemented at the earliest stages of the development process. The Process is divided up into four (4) procedures: 1) for Projects which are of statewide, regional, or area-wide significance; 2) for projects in multiple family residential zones; 3) for non-residential projects within 150 feet of single family zoned property; and 4) for all other Projects. All Projects in the fourth category are processed through a ministerial Development Review process. [Added by Ord. No. 3190; Formerly numbered Section 31-216; Amended by Ord. No. 3701, eff. 9/16/06; 3702, 3676, 3633, 3485, 3307, 3058.]

10-1-1908.5: ENVIRONMENTAL REVIEW:

A. PROJECTS OF STATEWIDE, REGIONAL, OR AREA WIDE SIGNIFICANCE.

Projects meeting the criteria in California Environmental Quality Act ("CEQA") Guidelines Section 15206, and as amended from time to time, shall be deemed to be of statewide, regional, or areawide significance, and shall be processed in accordance with this division. In addition to the following requirements, the Project shall undergo environment assessment pursuant to CEQA because such Projects may significantly impact the environment. Pursuant to this process, additional conditions required to mitigate adverse environmental effects may be imposed.

B. MULTIPLE FAMILY RESIDENTIAL PROJECTS AND CERTAIN NON-RESIDENTIAL PROJECTS.

Each application for Development Review for:

1. any multiple family project (in accordance with Section 10-1-631.;
2. a non-residential project within 150 feet of property zoned R-1, R-1-H; shall be deemed a "project" pursuant to the CEQA and shall be subject to a review of its potential impact on the environment as set forth in Title 9 Chapter 3 of this Code and by this Section. Prior to any decision regarding project approval, a determination of the project's status under CEQA shall be made in accordance with the provisions of CEQA. If it is determined

that the project is not exempt from CEQA, an Initial Study shall be prepared to evaluate the significance of potential impacts and to identify appropriate mitigation measures. All subsequent determinations and processes shall be made and followed in conformity with the provisions of CEQA. Prior to approving the Development Review application, all notice and appeal procedures for environmental decisions shall be followed in accordance with Title 9 Chapter 3 of this Code. The Director shall approve any Negative Declaration or certify any Environmental Impact Report prior to approval of such Development Review application. [Amended by Ord. No. 3810, eff. 6/10/11; 3702, 3701, 3676, 3633, 3485, 3307.]

10-1-1909: SUBMISSION OF DEVELOPMENT REVIEW:

Applications for Development Review shall be processed as provided in this section.

A. PREAPPLICATION CONFERENCES.

Prior to filing an application for Development Review, the applicant may meet with the Director or his designee to discuss possible development design and dedication requirements, applicable processing procedures, and other information the Director may require. In order to determine the information needed for application submittal, the Director may share the preapplication information with other City departments.

B. APPLICATION SUBMITTAL.

Applicant shall submit an application for Development Review, including the application fee in an amount designated by the Burbank Fee Resolution and as amended from time to time, and all other information required by the Director or designee.

C. COMPLETION AND ACCEPTANCE OF PLANS FOR PROCESSING.

Not later than 30 calendar days after application submittal, the Director or designee shall determine whether such application is complete and accepted for processing. In the event the application is determined not to be complete, the Director/designee shall transmit such determination in writing to the applicant. The determination shall specify those parts of the application which are incomplete and shall indicate the manner in which such application may be made complete. After the Director accepts an application as complete, the Director shall not subsequently require a developer to furnish any new or additional information which was not required as a part of the application; provided that nothing shall limit the Director from requesting additional information from the applicant to complete the project's environmental review pursuant to CEQA. The Director may, in the course of processing the application, require the developer to clarify, amplify, correct, or otherwise supplement the information required for the application. In the event the Director's decision to approve or deny a Development Review application is appealed to the Planning Board or further appealed to the City Council, the Director may require the applicant to provide revised project plans prior to the Planning Board and/or City Council hearing that demonstrate compliance with Code and/or conditions of approval imposed by the Director. Conditions of approval may require additional information to be submitted in conjunction with future applications for project construction.

D. DEVELOPMENT REVIEW PROCEDURES.

The Director shall prepare, and regularly maintain procedures to implement this division and assist the public understanding of the Development Review process, and to assist applicant preparation of adequate plans for submittal. These procedures may provide for alternative processing requirements for minor projects that the Director or designee finds conform to

the requirements of the Code and which are consistent with adopted plans and policies of the City. [Added by Ord. No. 3190; Formerly numbered Section 31-217; Amended by Ord. No. 3810, eff. 6/10/11; 3702, 3701, 3587, 3485, 3307, 3058.] [*City of Burbank v. Burbank-Glendale-Pasadena Airport Authority* (1999) 72 Cal. App. 4th 366, 375, 85 Cal.Rptr.2d 28]

10-1-1909.1: COMMUNITY MEETING:

A. PURPOSE AND INTENT.

This Section requires the Director to host a community meeting prior to making a decision regarding a Development Review application. The purpose and intent of the community meeting is to provide information to the public about a proposed project and to receive comments from persons who would potentially be affected by the project. Because Development Review applications are acted upon by the Director without a public hearing, the community meeting provides an opportunity for the public to become involved in the project review process and to share concerns directly with the Director prior to action being taken on a Development Review application.

B. MEETING PROCESS.

1. Prior to making a decision on a Development Review application, the Director must hold a community meeting. The meeting must be open to the general public and conducted at a time and location that is convenient for public attendance. The Director may create rules, regulations, and procedures to govern meeting activities and conduct.

2. The project applicant and/or their representative must attend the community meeting. The applicant's role in the meeting is to present the proposed project to the members of the public at the meeting, to answer questions about the project, and to listen to the comments and concerns from the public with the intent of working with the Director to address those concerns when necessary and appropriate.

3. The Director may not make a decision regarding the application, or any conditions to be placed upon a conditional approval, at the meeting. The meeting is not a public hearing and is not subject to the requirements of the Brown Act.

4. In the event a Development Review application is being processed in conjunction with another application that requires a Planning Board or City Council hearing pursuant to Section 10-1-1909.2(c), the community meeting must be held prior to the public hearing.

C. NOTICE OF MEETING.

Notice of the community meeting must be mailed to the same individuals receiving mailed notice of the Director's decision pursuant to Section 10-1-1909.2(B). The public notice for the community meeting and the notice of Director's decision may be combined into a single mailed notice. The meeting notice must be mailed no less than 10 days prior to the community meeting. [Added by Ord. No. 3702, eff. 9/16/06; 3701.]

10-1-1909.2: DIRECTOR'S DECISION:

A. DIRECTOR APPROVAL.

Within a reasonable time after the Development Review application has been accepted as complete, the community meeting required by Section 10-1-1909.1 has occurred, any appropriate environmental assessment has been completed, and after Public Notice of the Development Review application has been provided as required by this section, the Director shall approve, conditionally approve, or disapprove the application. The Developer shall be notified of the Decision of the Director and shall be provided with a copy of the Director's approval showing any deficiency or conditions. The notice may be given by first class mail, postage prepaid or by any such other means as the Director may deem appropriate. Unless appealed, the decision of the Director shall be final.

B. PUBLIC NOTICE.

Prior to the Director's decision on a Development Review application, Public Notice of the proposed project, the Director's pending decision on the application, and appeal information shall be mailed to surrounding property owners and occupants within 1000 feet of the project site. Such notice shall be mailed no less than ten (10) days prior to the scheduled Director's decision date. Additionally, one four (4) foot by eight (8) foot sign, approved by the Community Development Director, shall be posted on the subject property. The sign shall be posted no less than ten (10) days prior to the scheduled Director's decision date. If circumstances require, the Director's decision may occur on a date later than the date provided in the public notice. The decision may not occur on a date earlier than the date provided in the public notice. At the discretion of the Community Development Director, the applicant may be exempt from the on-site sign requirement if the Director determines either that a sign cannot adequately be placed on-site or that the applicant is a charitable non-profit organization.

C. ALTERNATIVE DECISION PROCESS.

In the event a Development Review application is being processed in conjunction with another application that requires a decision by the Planning Board or City Council, the Development Review application must be processed in conjunction with the other application and acted upon by the Planning Board or City Council, as the case may be, concurrent with the other application. In such cases, the Director does not act upon the application. [Added by Ord. No. 3702, eff. 9/16/06; 3701.]

10-1-1910: APPEAL OF DIRECTOR'S DECISION:

A. RIGHT OF APPEAL.

The Director's decision regarding a Development Review application may be appealed pursuant to Section 10-1-1907.2. The appeal shall specify the action or decision appealed and the reasons why the person filing the appeal believes the action or decision appealed from should not be upheld. In the event the Director's decision occurs on a date later than the date provided in the public notice, the appeal period shall be measured from the date that the decision actually occurred, and not the date provided in the notice.

B. HEARING DATE AND NOTICE OF HEARING.

Upon the filing of an appeal, the Director shall set the Development Review application for hearing before the Planning Board within a reasonable time after the date of filing the appeal. Notice of the time and place of the hearing, including a general description of the location of the property involved in the Development Review application, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation in the City. Such notice shall also be given by mailing, through the United States mail, to the Developer and to each person designated in any appeal to receive such notice, every person filing with the Director a written request for a notice with respect to the Development Review application, and each person previously mailed notice of the Development Review application.

C. DECISION OF PLANNING BOARD.

The hearing before the Planning Board shall be de novo. Within 30 days following the conclusion of the hearing, the Planning Board shall render its decision on the appeal. Unless appealed, or set for hearing by the City Council, the decision of the Planning Board is final. [Added by Ord. No. 3190; Formerly numbered Section 31-218; Amended by Ord. No. 3701, eff. 9/16/06; 3702, 3587, 3307, 3264, 3058.]

10-1-1911: APPEAL OF PLANNING BOARD'S ACTION:

A. RIGHT OF APPEAL.

The Planning Board's decision regarding a Development Review application may be appealed pursuant to Section 10-1-1907.3. The appeal shall specify the action or decision appealed and state the reasons why the action or decision appealed from should not be upheld.

B. HEARING DATE AND NOTICE OF HEARING.

Upon the filing of an appeal, the City Clerk shall set the Development Review application for hearing before the City Council within a reasonable time after the date of filing the appeal. Notice of the time and place of the hearing, including a general description of the location of the property involved in the Development Review, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation in the City. Such notice shall also be given by mailing, through the United States mail, to the developer and to each person designated in any appeal to receive such notice, every person filing with the Director or designee a written request for notice with respect to the Development Review application, and each person previously mailed notice of the appeal hearing held by the Planning Board.

C. DECISION OF CITY COUNCIL.

The hearing before the Council shall be de novo. At the conclusion of the hearing on the application, the Council shall render its decision on the appeal within 30 days following the conclusion of the hearing. The decision of the Council shall be final. [Added by Ord. No. 3190; Formerly numbered Section 31-219; Amended by Ord. No. 3701, eff. 9/16/06; 3702, 3307, 3264, 3058.]

10-1-1912: REQUISITES FOR APPROVAL:

A. All projects. Except for those Development Review applications which require additional findings as set forth herein, a Development Review application shall be approved if the Director or if appealed, the Planning Board or City Council, finds that the application/project is consistent with all provisions of this Code. Any application not meeting code may be approved with conditions that assure code compliance.

B. Multiple Family Projects. Development Review applications for all projects in Multiple Family Residential Zones are also subject to the Neighborhood Character and Compatibility requirements in Section 10-1-631. That section is incorporated herein by this reference.

C. Non-residential projects within 150 feet of single family zoned property. Development Review applications for non-residential projects within 150 feet of single family zoned property shall be approved if the Director, or if appealed, the Planning Board or City Council finds:

- 1. All provisions of the Code will be satisfied.
- 2. The environmental document prepared for this project was considered prior to project approval and found to satisfy the requirements of CEQA.
- 3. The project, as conditioned, will not have a significant adverse effect on the environment; or, that any remaining significant effects are acceptable due to overriding considerations as provided by CEQA.
- 4. The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect:
 - a. Facilities and improvements.
 - b. Vehicular ingress, egress and internal circulation.
 - c. Setbacks.
 - d. Height of buildings.
 - e. Location of services.
 - f. Walls.
 - g. Landscaping.
 - h. Lighting.
 - i. Signs.

D. Regionally Significant Projects. Projects/applications which meet the criteria identified in Section 10-1-1908.5, shall comply with additional conditions required to mitigate adverse environmental effects.

E. Conditions. For Development Review applications subject to Subsections (B),(C), and (D), if the Director finds that minor revisions to a project are needed to satisfy the requirements, the Director may approve the application subject to conditions of approval. If the Director finds that an application does not meet the requirements or that major revisions to a project are needed to satisfy the requirements, the Director may disapprove the application. Any conditions imposed must be deemed to be appropriate or necessary to assure compliance with the requirements of Subsections (B), (C), and (D); the intent and purpose of the Burbank Municipal Code; or to protect the public health, safety or welfare.

The owners of the land may be required to execute a covenant running with the land, in a form approved by the City Attorney, which shall contain the conditions imposed and shall be recorded in the Office of the County Recorder. The Director shall issue releases from such covenants when such covenants are no longer applicable to a property. [Added by Ord. No. 3190; Formerly numbered Section 31-1913; Amended by Ord. No. 3701, eff. 9/16/06; 3702, 3676, 3633, 3485, 3307, 3264, 3058.]

10-1-1913: TERMINATION OF DEVELOPMENT REVIEW APPROVAL:

Development Review approval shall terminate within one (1) year of the date of approval unless:

1. An application for building permit is filed prior to the termination date, and
2. The building permit application or approved building permit does not expire. If such approval is appealed or a moratorium is imposed, time spent during the appeal or moratorium process shall not be counted toward this termination or toward applicable time limits for the review and processing of development permits. [Added by Ord. No. 3190; Formerly numbered Section 31-1914; Amended by Ord. No. 3701; eff. 9/16/06; 3702, 3485, 3307, 3058.]

10-1-1914: APPLICABILITY AND EXEMPTIONS:

Approval of a Development Review application shall be required prior to the issuance of any building, grading, or demolition permit for any project in any zone unless the project is specifically exempted by this Section or other provisions of this Chapter. The following classes of projects are exempt from Development Review:

1. Single family residential construction projects in a single family residential zone;
2. Interior remodeling of an existing structure provided, such remodeling does not include a change in use;
3. Additions to or new construction of a single family home including accessory structures thereto on a multiple family zoned lot used for single family residential purposes;
4. Additions to or detached accessory structures to any existing non-residential structure which do not exceed 1,000 square feet in gross floor area;
5. Additions to or detached accessory structures to any existing multiple family residential structure that do not 1) exceed 500 square feet in gross floor area, 2) add any dwelling units to an existing project, or 3) add any bedrooms to an existing unit so as to require one (1) or more additional parking spaces;
6. Minor revisions to a project as determined by the Director which previously received Development Review Approval and where such approval has not expired;

7. Demolition of buildings when determined by the Director or designee to be beneficial to the public health, safety or general welfare; or, when such demolition is not done in preparation for a building permit subject to Development Review; and

8. Minor projects which the Director determines to be highly consistent with adopted plans of the City and in compliance with the Code. [Added by Ord. No. 3190; Formerly numbered Section 31-1914; Amended by Ord. No. 3701, eff. 9/16/06; 3702, 3485, 3307, 3058.]

10-1-1915: APPEAL TO CITY PLANNER IF BUILDING PERMIT ISSUANCE IS DENIED AND PROJECT EXEMPT FROM DEVELOPMENT REVIEW:

In the event a project applicant is denied a building permit for a project which is otherwise exempt from the provisions of Development Review, and the denial of the permit is based on zoning code violations which an applicant feels do not apply to its project due to its legal nonconforming use status or otherwise, an applicant may appeal that decision to the City Planner. The applicant shall request a meeting before the City Planner or its designee for a final determination on the applicability of that zoning provision on the project. The meeting will be held no later than 15 days after a formal request for a meeting pursuant to this section is requested in writing with the City Planner. The City Planner shall make a determination within ten (10) days of the meeting. The determination shall be final. No applicant may file a relevant court case until the City Planner determination has been issued. [Originally deleted by Ord. No. 3307, eff. 9/25/92; Added by Ord. No. 3676, eff. 8/16/05; Amended by Ord. No. 3701, eff. 9/16/06; 3702.]

DIVISION 3. VARIANCE

10-1-1916: BOARD MAY GRANT VARIANCE:

The Board shall have the authority, subject to the applicable provisions of this division, to grant a Variance from the provisions of this chapter on such terms and conditions as may be in harmony with its general purposes and intent, so that the spirit of this chapter will be observed, public welfare and safety secured, and substantial justice done. [Formerly numbered Section 31-225; Renumbered by Ord. No. 3058, eff. 2/21/87; 2246.]

10-1-1917: REQUIREMENTS FOR VARIANCE GENERALLY:

Before a Variance may be granted, except as otherwise specifically provided, it shall be shown and the Board must find that:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity and zone.

2. The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property owners under like conditions in the same vicinity and zone but which is denied to the property in question.

3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the property is located.

4. The granting of the Variance will not be contrary to the objectives of the General Plan. [Formerly numbered Section 31-226; Renumbered by Ord. No. 3058, eff. 2/21/87; 2246.]

10-1-1918: VARIANCE FROM SIGN REGULATIONS:

A. Variances from the provisions of Sections 10-1-1004 through 10-1-1014 of Article 10 of this chapter regulating signs may be granted by the Planning Board. In order to achieve a thematic and harmonious design, all of the signs on the property (the "sign program") shall be part of the Variance application and considered in the Variance determination, even if some of the individual signs comply with the sign regulations.

B. Before granting a sign Variance, the Planning Board, upon such terms and conditions as it may reasonably determine, shall find that:

1. The sign is in proportion to the structure or property to which it relates.

2. The sign has balance and unity among its external features so as to present a harmonious appearance.

3. The sign will be compatible with the style or character of existing improvements upon adjacent property.

4. The sign is not contrary to the objectives of the General Plan or the objectives of any applicable specific or master plans.

C. In addition to the Variance requirements of Subsection (B) above, in MPC-1, MPC-2, and MPC-3 zones, signage that is proposed as part of a sign program Variance application should be pedestrian oriented and scaled, visually appealing, and appropriate to the design of the building. Alternatively, a sign Variance may be granted for the purpose of deviating from the pedestrian oriented theme of the area. Signage which is intended to be primarily seen by motorists, and may therefore need to be larger in size than otherwise permitted, may be approved if it is determined that the proposed sign, and elements thereof, are consistent with the scale of the building and site, and compatible with adjacent buildings and uses. [Added by Ord. No. 2246; Formerly numbered Section 31-226.1; Amended by Ord. No. 3700, eff. 9/2/06; 3365, 3058.]

10-1-1919: LIMITATIONS ON GRANTING VARIANCE:

No Variance shall be granted which is contrary to the public interest or permits a use that is expressly prohibited. [Formerly numbered Section 31-227; Renumbered by Ord. No. 3058, eff. 2/21/87; 2246.]

10-1-1920: APPLICATION FOR VARIANCE:

Application for a Variance shall be made as follows:

1. On forms prescribed by the Board and furnished by the City Planner.
2. Signed by the owner of the property or his duly authorized agent and sworn to by declaration or before a notary public.
3. Filed with the City Planner.
4. Submitted with a site plan and a drawing showing elevations of the proposed development or use. [Formerly numbered Section 31-228; Renumbered by Ord. No. 3058; amended by Ord. No. 3190, eff. 5/26/90.]

10-1-1921: CITY PLANNER SETS HEARING AND GIVES NOTICE:

The City Planner shall set the application for a public hearing by the Board and give notice of the hearing as follows:

1. The hearing shall be held as soon as possible after the filing of the application.
2. Notice of the hearing shall be in such form as may be prescribed by the Board and shall contain the time and place of the hearing, the location of the property, and the Variance requested.
3. Notice shall be published once in a newspaper of general circulation in the City at least ten (10) days before the hearing.

4. Notice shall also be mailed, postage prepaid, as least ten (10) days before the hearing to owners of property and occupants within a radius of 1000 feet of the exterior boundaries of the property for which the Variance is requested. [Formerly numbered Section 31-229; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01; 3020, 2941, 2930, 2193.]

10-1-1922: CITY PLANNER TO INVESTIGATE AND REPORT:

The City Planner shall investigate the application and report to the Board at the time of the hearing. His report shall include proposed findings and a recommendation including conditions, if any, if a building permit was applied for and denied, he shall include the reason for its denial. [Formerly numbered Section 31-230; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941, 2930, 2193.]

10-1-1923: ENVIRONMENTAL IMPACT REPORT:

No Variance which may have a significant effect on the environment shall be granted pursuant to the provisions of this division until an environmental impact report is prepared, processed and considered in accordance with the provisions of Article 1, Title 9 Chapter 3, of this Code, unless the Variance is otherwise exempt from the provisions of that article. [Added by Ord. No. 2383; Formerly numbered Section 31-230.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1924: ACTION OF THE BOARD:

The Board may approve, approve with conditions, or disapprove the application and shall render its decision by resolution within 30 days after the conclusion of the hearing. The decision of the Board shall be final unless appealed or set for a hearing by the Council. [Formerly numbered Section 31-231; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1925: DECISION OF BOARD:

The decision, including the findings of the Board, shall be mailed to the applicant and reported to the Council according to procedures established by the City Planner and approved by the City Manager. [Formerly numbered Section 31-232; Renumbered by Ord. No. 3058, eff. 2/21/87; 2961.]

10-1-1926:

[Formerly numbered Section 31-233; Renumbered by Ord. No. 3058, eff. 2/21/87; 2961; Deleted by Ord. No. 3701, eff. 9/16/06.]

10-1-1927: APPEAL TO COUNCIL:

The Planning Board's decision regarding a Variance application may be appealed pursuant to Section 10-1-1907.3. [Formerly numbered Section 31-234; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3701, eff. 9/16/06; 3587, 2961.]

10-1-1928: CITY CLERK GIVES NOTICE OF HEARING:

The City Clerk shall give notice of the hearing as follows:

1. The hearing shall be held as soon as possible after the filing of the appeal.
2. Notice of the hearing shall be in such form as may be prescribed by the Council and shall contain the time and place of the hearing, the location of the property and the Variance requested.
3. Notice shall be published once in a newspaper of general circulation in the City at least ten (10) days before the hearing.
4. Notice shall also be mailed, postage prepaid, at least ten (10) days before the hearing to owners of property and occupants within a radius of 1000 feet of the exterior boundaries of the property for which the Variance is requested. [Formerly numbered Section 31-235; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01; 3020.]

10-1-1929: ACTION OF COUNCIL AFTER HEARING:

The Council may approve, approve with conditions, or disapprove the application and shall render its decision by resolution within 30 days after the conclusion of the hearing. The resolution shall contain the Council's findings and shall require the affirmative votes of at least three (3) Council members if the Board's decision is modified or reversed. The City Clerk shall mail a copy of the resolution to the applicant. [Formerly numbered Section 31-236; Renumbered by Ord. No. 3058, eff. 2/21/87; 2370.]

10-1-1930: EXISTING VARIANCES:

Variations granted prior to the effective date of this division shall continue in effect until revoked or otherwise terminated under the provisions of this chapter. Any such existing Variance which was granted for a period of one (1) year subject to the right of the applicant to request renewal for additional one (1)-year periods shall continue in full force and effect from year to year unless terminated by the Board, and any such termination shall be effective as of the end of the successive one (1)-year period in which the action is taken. [Formerly numbered Section 31-237; Renumbered by Ord. No. 3058, eff. 2/21/87; 2302.]

10-1-1931: REAPPLICATION:

A. No person shall reapply for a similar Variance on the same land or for the same structure within one (1) year from the date the previous application was denied unless:

- 1. The denial was without prejudice;
- 2. The Board waives the one (1) year waiting period by the affirmative vote of not less than three (3) of its members; or
- 3. In case the application was heard by the Council, the Council also waives the one (1) year waiting period by the affirmative vote of not less than three (3) of its members.

B. Notwithstanding the provisions of Section 10-1-1920 of this division, no fee shall be required upon reapplication for a Variance hereunder if denial of the previous application was without prejudice or if the decision-making body which denied such previous application waives the waiting period, and, for good cause shown by the applicant upon reapplication, also waives the payment of such fee. [Formerly numbered Section 31-238; Renumbered by Ord. No. 3058, eff. 2/21/87; 2774.]

10-1-1932: TERMINATION OF VARIANCE:

A Variance shall terminate when any one (1) or more of the following occur:

- 1. The Variance is not used within the time specified as granted or extended, or if no date is specified within one hundred 180 days from the granting of the Variance.
- 2. The Variance has been abandoned or discontinued for six (6) consecutive months, or the owner of the property files a declaration with the City Planner that the Variance has been abandoned or discontinued.
- 3. The Variance has expired.
- 4. The Variance is brought into conformity with the provisions of this chapter due to a zone change or other amendment, or to development of the property.
- 5. The Variance is revoked as provided in Section 10-1-1933 of this division. [Formerly numbered Section 31-239; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941, 2930, 2193.]

10-1-1933: REVOCATION:

The Council may, after 20 days' notice by mail to the record owner of the property and a public hearing, revoke a Variance on any one (1) or more of the following grounds:

- 1. That the Variance was obtained by fraud or misrepresentation.
- 2. That the Variance has been exercised contrary to the terms or conditions of approval, or in violation of any statute, ordinance, law or regulation not excused by the Variance.

3. That the use permitted by the Variance is being or has been so exercised as to be detrimental to the public health, welfare or safety or so as to constitute a nuisance. [Formerly numbered Section 31-240; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 4. CONDITIONAL USE PERMIT

10-1-1934: PURPOSE:

The Conditional Use Permit is intended for land use which requires special consideration before allowed in a particular zone because of the following reasons: size of the area needed for development of the use; unusual traffic, noise, vibration, smoke or other problems incidental to the use; special location requirements not related to zoning; or to the effect the use may have on property values, health, safety and welfare in the neighborhood or community. The Conditional Use Permit will assure that the degree of compatibility, made one of the purposes of this chapter, shall be maintained with respect to the particular use on the particular site giving consideration to the other existing and potential uses within the general area in which such use is located or proposed to be located. [Formerly numbered Section 31-241; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1935: AUTHORITY TO GRANT CONDITIONAL USE PERMIT:

The Board or Council, as hereinafter provided, may grant a Conditional Use Permit on such terms and conditions as may be in harmony with the general intent and purposes of this chapter if it is shown that the granting of such permit would be consistent with the purposes of this chapter and the General Plan and would serve the public health, convenience, safety and welfare. [Formerly numbered Section 31-242; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1936: REQUIREMENTS FOR CONDITIONAL USE PERMIT:

The Board or Council in granting a Conditional Use Permit must find that:

1. The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by this chapter.
2. The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.
3. The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.
4. The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future uses permitted in the neighborhood.
5. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.
6. The conditions imposed are necessary to protect the public health, convenience, safety and welfare. [Formerly numbered Section 31-243; Renumbered by Ord. No. 3058, eff. 2/21/87; 2604, 2370, 2221.]

10-1-1937: CONDITIONS:

Conditions imposed by the Board or Council may include:

Regulation of use.
Special yards, spaces and buffers.
Fences and walls.
Surfacing of parking areas subject to City specifications.
Street, service road or alley dedications and improvements or appropriate bonds.
Regulation of points of vehicular ingress and egress.
Regulation of signs.
Landscaping and landscape maintenance.
Other maintenance of the grounds.
Regulation of noise, vibration, odors, etc.
Regulation of time for certain activities.
Time period within which the proposed use shall be developed.
Duration of use.

Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes of this chapter. [Formerly numbered Section 31-244; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1938:

[Added by Ord. No. 2768; Formerly numbered Section 31-244.1; Deleted by Ord. No. 3557, eff. 10/28/00; 3457, 3058, 2859.]

10-1-1939 AND 1940: SECTION NUMBER RESERVED:

[This section repealed by Ord. No. 3259, eff. 8/10/91.]

10-1-1941: APPLICATION FOR CONDITIONAL USE PERMIT:

Applications for a Conditional Use Permit shall be made as follows:

1. On forms prescribed by the Board and furnished by the City Planner.
2. Signed by the owner of the property or his duly authorized agent and sworn to by declaration or before a notary public.
3. Filed with the City Planner.
4. Submitted with a site plan and elevation of the proposed development or use.
[Formerly numbered Section 31-245; Renumbered by Ord. No. 3058; Amended by Ord. No. 3190, eff. 5/26/90; 2941, 2930, 2820, 2616, 2193.]

10-1-1942: CITY PLANNER SETS A HEARING AND GIVES NOTICE:

The City Planner shall set the application for a public hearing by the Board and give notice of the hearing as follows:

1. The hearing shall be held as soon as possible after the filing of the application.
2. Notice of the hearing shall be in such form as may be prescribed by the Board and shall contain the time and place of the hearing and the location and proposed use of the property for which the Conditional Use Permit is requested.
3. Notice shall be published once in a newspaper of general circulation in the City at least ten (10) days before the hearing.
4. Notice shall also be mailed, postage prepaid, at least ten (10) days before the hearing to owners of property and occupants within a radius of 1000 feet of the exterior boundaries of the property for which the Conditional Use Permit is requested. [Formerly numbered Section 31-246; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01; 3020, 2941, 2595, 2193.]

10-1-1943: CITY PLANNER INVESTIGATES AND REPORTS:

The City Planner shall investigate the application and report to the Board at the time of the hearing. His report shall include proposed findings and a recommendation including conditions, if any. [Formerly numbered Section 31-247; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941, 2930, 2193.]

10-1-1944: ENVIRONMENTAL IMPACT REPORT:

No Conditional Use Permit which may have a significant effect on the environment shall be granted pursuant to the provisions of this division until an environmental impact report is prepared, processed and considered in accordance with the provisions of Article 1, Title 9 Chapter 3 of this Code, unless the Conditional Use Permit is otherwise exempt from the provisions of that article. [Added by Ord. No. 2383; Formerly numbered Section 31-247.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1945: HEARINGS ON PLANNED RESIDENTIAL DEVELOPMENT:

A. ACTION OF BOARD.

If the application is for a Planned Residential Development, the Board may recommend approval, approval with conditions, or disapproval of the application by resolution within 30 days after the conclusion of the hearing.

B. RECOMMENDATION OF BOARD.

The recommendation of the Board shall be mailed to the applicant and sent to the City Clerk.

C. CITY CLERK SETS HEARING.

The City Clerk shall set the application for a public hearing as soon as possible after receiving the Board's resolution. [Formerly numbered Section 31-248; Renumbered by Ord. No. 3058, eff. 2/21/87; 2961.]

10-1-1946: HEARINGS ON OTHER CONDITIONAL USES:

A. ACTION OF BOARD.

If the application is for a conditional use other than a Planned Residential Development, the Board may approve, approve with conditions, or disapprove the application and shall render its decision by resolution within 30 days after the conclusion of the hearing.

B. DECISION OF BOARD.

The decision, including the findings of the Board, shall be mailed to the applicant and reported to the Council according to procedures established by the City Planner and approved by the City Manager. The decision of the Board shall be final unless appealed or set for a hearing by the Council.

C. APPEAL.

The Planning Board's decision regarding a Conditional Use Permit application for a conditional use other than a Planned Residential Development may be appealed pursuant to Section 10-1-1907.3. [Formerly numbered Section 31-249; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3701, eff. 9/16/06; 3587, 2961.]

10-1-1947: CITY CLERK GIVES NOTICE OF HEARING:

When the Council sets a Conditional Use Permit application for a public hearing the City Clerk shall give notice of the hearing as follows:

1. Notice of the hearing shall be in such form as may be prescribed by the Council and shall contain the time and place of the hearing and the location and proposed use of the property for which the conditional use is requested.

2. Notice shall be published once in a newspaper of general circulation in the City at least ten (10) days before the hearing.

3. Notice shall also be mailed, postage prepaid, at least ten (10) days before the hearing to owners of property and occupants within a radius of 1000 feet of the exterior boundaries of the property for which the Conditional Use Permit is requested. [Formerly numbered Section 31-250; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01; 3020.]

10-1-1948: ACTION OF COUNCIL AFTER HEARING:

The Council may approve, approve with conditions, or disapprove the application and shall render its decision by resolution within 30 days after the conclusion of the hearing. The resolution shall contain the Council's findings and shall require the affirmative votes of at least three (3) Council members if the Board's recommendation or decision is modified or

reversed. The City Clerk shall mail a copy of the resolution to the applicant. [Formerly numbered Section 31-251; Renumbered by Ord. No. 3058, eff. 2/21/87; 2370.]

10-1-1949: MINOR REVISIONS TO SITE PLAN AFTER HEARING:

The Board may without further hearing approve minor revisions to a site plan after a Conditional Use Permit is granted if the revisions in no way violate the intent, standards or conditions of the permit or the zone in which the property is located. [Formerly numbered Section 31-252; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1950: REAPPLICATION:

A. No person shall apply for a similar Conditional Use Permit on the same land within one (1) year from the date the previous application was denied unless:

1. The denial was without prejudice;
2. The Board waives the one (1) year waiting period by the affirmative vote of not less than three (3) of its members; or
3. In case the application was heard by the Council the Council also waives the one (1) year waiting period by the affirmative vote of not less than three (3) of its members.

B. Notwithstanding the provisions of Section 10-1-1941 of this division, no fee shall be required upon reapplication for a Conditional Use Permit hereunder if denial of the previous application was without prejudice or if the decision-making body which denied such previous application waives the waiting period, and, for good cause shown by the applicant upon reapplication, also waives the payment of such fee. [Formerly numbered Section 31-253; Renumbered by Ord. No. 3058, eff. 2/21/87; 2774.]

10-1-1951: TERMINATION OF CONDITIONAL USE PERMIT:

A Conditional Use Permit shall terminate when any one (1) or more of the following occur:

1. The permit is not used within the time specified in the Conditional Use Permit as granted or extended, or if no date is specified within 180 days from the granting of the permit.
2. The permit has been abandoned or discontinued for six (6) consecutive months or the owner of the property files a declaration with the City Planner that the Conditional Use Permit has been abandoned or discontinued.
3. The permit has expired.
4. The permit is revoked as provided in Section 10-1-1952 of this division. [Formerly numbered Section 31-254; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941, 2930, 2193.]

10-1-1952: REVOCATION:

The Council may, after 20 days' notice by mail to the record owner of the property and a public hearing, revoke a Conditional Use Permit on any one (1) or more of the following grounds:

1. That the Conditional Use Permit was obtained by fraud or misrepresentation.
2. That the Conditional Use Permit has been exercised contrary to the terms or conditions of approval, or in violation of any statute, ordinance, law or regulation not excused by the Conditional Use Permit.
3. That the conditional use is being or has been so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance. [Formerly numbered Section 31-255; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 4.1. ADMINISTRATIVE USE PERMITS

10-1-1954: INTENT AND PURPOSE:

It is the intent of the City of Burbank to create an Administrative Use Permit (AUP) process for those land use situations where there is a need to exercise limited discretion under certain designated types of circumstances. The purpose of an Administrative Use Permit is to allow the Community Development Director to exercise this limited discretion and control in those land use situations where the type of permitted use is generally less intrusive and out of character with the surrounding neighborhood than are those uses for which a Conditional Use Permit is required. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.20; Renumbered by Ord. No. 3058.]

10-1-1955: AUTHORITY TO GRANT ADMINISTRATIVE USE PERMIT:

The Community Development Director or his designee, as hereinafter provided, may grant an Administrative Use Permit on terms and conditions that are harmonious with the general intent and purposes of this chapter so long as it is shown that the granting of such permit will be consistent with the purposes of this chapter and the General Plan and will serve the public health, convenience, safety and welfare. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.21; Renumbered by Ord. No. 3058.]

10-1-1956: REQUIREMENTS FOR ADMINISTRATIVE USE PERMIT:

Except as otherwise specified in this Code, in granting an Administrative Use Permit, the Director shall find that:

1. The use applied for at the location set forth in the application is properly one for which an Administrative Use Permit is authorized by this Code;
2. The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;
3. The use will be compatible with other uses in the general area in which the use is proposed to be located;
4. The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future use is permitted in the neighborhood;
5. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use; and
6. The conditions imposed are necessary to protect the public health, safety, convenience and welfare. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.22; Renumbered by Ord. No. 3058.]

10-1-1957: CONDITIONS:

Except as otherwise provided in this Code, the Director may impose the same conditions on an Administrative Use Permit as are allowed to be imposed on a full Conditional Use Permit pursuant to BMC Section 10-1-1937. Any condition imposed will be necessary to protect the public health, convenience, safety and welfare. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.23; Renumbered by Ord. No. 3058.]

10-1-1958: APPLICATION FOR ADMINISTRATIVE USE PERMIT:

Applications for an Administrative Use Permit shall be made as follows:

1. On forms prescribed by the Director;
2. Signed by the owner of the property or his duly authorized agent and sworn to by declaration or before notary public.
3. Filed with the Director;
4. Submitted with a site plan as defined in Division II of this article; and
5. Any other information and/or documentation which the Director deems necessary to his determination.

An application shall not be deemed to be filed until such time as all necessary information has been provided to the Director. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.24; Renumbered by Ord. No. 3058.]

10-1-1959: DETERMINATION ON ADMINISTRATIVE USE PERMIT; NOTICE AND HEARING:

A. DIRECTOR TO INVESTIGATE.

Upon the submission of a complete application for an Administrative Use Permit, the Director shall investigate the application and make a determination within 30 days of such submission.

B. DECISION AND NOTICE.

At the conclusion of the 30 day period or at any time prior thereto, the Director shall render a decision in writing to approve, approve with conditions, or disapprove the application. Except for a decision involving a large family day care home, notice of the Director's proposed decision to approve the application, with or without conditions, shall be mailed to the applicant and to all property owners and occupants within 1000 feet of the property for which the Administrative Use Permit is being sought and to all other parties who request notice. With respect to a proposed decision involving a large family day care, the Director's proposed decision to approve the application, with or without conditions, shall be mailed to the applicant and to all property owners and occupants within 1000 feet of the property for which the Administrative Use Permit is being sought; however, this notice shall specifically state in bold letters that any appeals are limited to individuals residing or owning property within 100 feet of the property.

Said notice shall advise all parties to whom it is mailed that unless a public hearing is requested within 15 days of the date of mailing, the decision will become final.

C. APPEAL.

The Director's decision regarding an Administrative Use Permit application may be appealed pursuant to Section 10-1-1907.2. Except that in the case of an Administrative Use Permit for a large family day care home, an appeal may be filed only by the applicant or by property owners or residents within 100 feet of the parcel on which the large family day care home is proposed.

D. DECISION OF PLANNING BOARD.

After the public hearing on the permit, the Planning Board shall approve the issuance of the permit if it finds that all requirements for the issuance of the permit have been met. The decision shall be mailed to the applicant and reported to the Council according to procedures established by the Director and approved by the City Manager. The decision of the Board shall be final unless appealed to the Council.

E. APPEAL TO COUNCIL.

The Planning Board's decision regarding an Administrative Use Permit application may be appealed pursuant to Section 10-1-1907.2. The persons who may file the appeal for an application for a large family day care home are limited as in Subsection (C) above. The City Clerk shall set the appeal for a public hearing and give notice of the time and place of the hearing to the applicant and any person who has appealed from such decision at least ten (10) days prior to such hearing. Notice of the hearing shall be provided as specified in Section 10-1-1947 of this chapter.

F. DECISION OF COUNCIL.

The hearing before the Council shall be conducted as a hearing de novo and at the conclusion of the hearing on the permit, the Council shall approve the issuance of the permit if it finds that all requirements for the issuance of such permit have been met. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.25; Amended by Ord. No. 3701, eff. 9/16/06; 3587, 3457, 3058.]

10-1-1960: TERMINATION/REVOCAION OF ADMINISTRATIVE USE PERMIT:

A. TERMINATION.

An Administrative Use Permit shall terminate when any one or more of the following occurs:

1. The permit is not used within the time specified in the Administrative Use Permit, or if no date is specified, within 180 days from the granting of the permit;
2. The use for which the permit has been acquired has been abandoned for six (6) consecutive months or the owner of the property files a declaration with the Director that the permit has been abandoned or discontinued; or
3. The permit has expired or been revoked.

B. REVOCATION.

The Director may, after 20 days' notice by mail to the permit holder, revoke an Administrative Use Permit on any one (1) or more of the following grounds:

1. The Administrative Use Permit was obtained by fraud;
2. The property subject to the Administrative Use Permit has been utilized contrary to the terms and conditions of approval, or in violation of any statute, ordinance, law or regulation not otherwise allowed pursuant to the Administrative Use Permit; or
3. The property subject to the Administrative Use Permit is being or has been exercised in a manner which is detrimental to the public health, safety and welfare or so as to constitute a nuisance.

The decision of the Director to revoke an Administrative Use Permit can be set for a public hearing and appealed pursuant to the procedures contained in Section 10-1-1959. [Added by Ord. No. 3139, eff. 1/28/89; Formerly numbered Section 31-255.26; Renumbered by Ord. No. 3058.]

DIVISION 5. ZONE MAP AMENDMENT

10-1-1961: INITIATION OF AMENDMENT:

Amendments to the Zone Map may be initiated by the Council or Board. A property owner may apply for a zone change on the property owned by such property owner by submitting an application to the City Planner on such form as the City Planner may prescribe. Each applicant for a Zone Map Amendment shall pay such fees as are set forth in the Burbank Fee Resolution.

The City Planner shall set all applications for, and initiations of, Zone Map Amendments for hearing before the Planning Board. [Formerly numbered Section 31-256; Renumbered by Ord. No. 3058, eff. 2/21/87; 2961, 2930.]

10-1-1962: WITHHOLDING OF BUILDING PERMITS PENDING ZONE CHANGE:

Upon the initiation by the Council of an amendment to the Zone Map to place property in an R-1, R-2, or R-3 residential zone, and such proposed zoning is more restrictive than the existing zoning, no permit shall be issued by the Building Official for the erection, construction, alteration, or change of any building, structure, or improvement within such territory which would not conform to the requirements for the proposed zone, and any permit issued in violation of this section shall be void. [Added by Ord. No. 2985; Formerly numbered Section 31-256.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1963: PUBLIC HEARINGS REQUIRED:

Each proposed Zone Map Amendment shall be given two public hearings, one by the Board and another by the Council. The public hearing by the Board shall precede the hearing by the Council. [Formerly numbered Section 31-257; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1964: NOTICE OF HEARING:

The City Planner shall give notice of public hearings held by the Board. Notice of the hearing shall contain the date, time and place of the hearing and a general description of the property proposed to be zoned or rezoned and shall be:

1. Published once in a newspaper of general circulation in the City at least ten (10) days before the date of the hearing.
2. Notice shall be mailed, postage prepaid, at least ten (10) days before the date of the hearing to owners of property to be rezoned and to the owners of property within a radius of 1000 feet of the exterior boundaries of the property to be rezoned.

3. If the number of owners to whom notice would be mailed or delivered as required by this section is greater than 1,000, then the City may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation within the City not later than ten (10) days before the date of the hearing in lieu of Subsections (1) and (2) above. [Formerly numbered Section 31-259; Renumbered by Ord. No. 3058; Amended by Ord. No. 3199, eff. 8/25/90; 3020, 2941, 2930.]

10-1-1965: CITY PLANNER INVESTIGATES AND REPORTS TO BOARD:

The City Planner shall investigate and advise the Board on all proposed Zone Map Amendments.

When the proposed amendment affects ten (10) or more acres, the City Planner's report shall include recommendations and the basis for such recommendations. [Formerly numbered Section 31-260; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941, 2930, 2333.]

10-1-1966: ENVIRONMENTAL IMPACT REPORT:

No Zone Map Amendment shall be adopted, nor shall a Variance or Conditional Use Permit be granted in lieu thereof, pursuant to the provisions of this division which may have a significant effect on the environment until an environmental impact report is prepared, processed and considered in accordance with the provisions of Article 1, Title 9 Chapter 3 of this Code, unless the Zone Map Amendment or the Variance or Conditional Use Permit in lieu thereof, is otherwise exempt from the provisions of that article. [Added by Ord. No. 2383; Formerly numbered Section 31-260.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1967: ACTION BY BOARD:

The Board within 30 days after the conclusion of the hearing shall render its decision recommending either approval, approval with conditions, or disapproval of the proposed Zone Map Amendment by resolution containing reasons supporting the recommendation. The Board's recommendation may reduce but shall not enlarge the area of the proposed Zone Map Amendment. The City Planner shall notify the applicant of the Board's decision and shall forward the Board's recommendation to the City Clerk. [Formerly numbered Section 31-261; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3701, eff. 9/16/06; 2941, 2930, 2376.]

10-1-1968: VARIANCE, CONDITIONAL USE PERMIT, OR MORE RESTRICTIVE ZONING IN LIEU OF PROPOSED AMENDMENT:

If the notice of proposed Zone Map Amendment contains a statement that more restrictive zoning, or a particular Variance or Conditional Use Permit, may be considered in lieu of the proposed Zone Map Amendment, the Board may:

1. Recommend approval of the more restrictive zoning if the provisions of this division have been followed as to a Zone Map Amendment;
2. Grant the Variance if the provisions of Division 3 of this article have been followed as to the granting of a Variance; or
3. Grant or recommend the Conditional Use Permit if the provisions of Division 4 of this article have been followed as to the granting of a Conditional Use Permit. [Formerly numbered Section 31-262; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1969: CITY CLERK SETS HEARING BY COUNCIL:

Following issuance of the Planning Board's recommendation per Section 10-1-1967, the City Clerk shall promptly fix the date for a public hearing by the Council and shall give notice of the hearing as prescribed in Section 10-1-1964 of this article. [Formerly numbered Section 31-263; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3701, eff. 9/16/06.]

10-1-1970 AND 1971:

[Deleted by Ord. No. 3701, eff. 9/16/06.]

10-1-1972: ACTION BY COUNCIL:

The Council shall, within 30 days after the conclusion of its public hearing, either:

1. Approve the Zone Map Amendment as proposed, or for a lesser area than proposed, or approve one of the alternatives set forth in Section 10-1-1968 if notice of the hearing before the Board and Council contained a statement that such alternative may be considered in lieu of the proposed amendment.

As part of such approval the Council may impose such conditions as it deems necessary to protect the public health, safety or welfare, and may require the property owner, prior to adoption of an ordinance effecting the zone change, to perform such conditions, or if some or all of the conditions are of a continuing nature, to execute and record an agreement binding on himself and his successors and assigns, in a form satisfactory to the City Attorney, to abide by such conditions.

2. Disapprove the proposed Zone Map Amendment; or
3. Refer the proposed Zone Map Amendment to the Board for further study or hearing. [Formerly numbered Section 31-266; Renumbered by Ord. No. 3058, eff. 2/21/87; 2376.]

10-1-1973: REAPPLICATION:

If an application for a Zone Map Amendment has been denied, it shall not be renewed for one (1) year from the date of denial unless permission to refile is approved:

1. By a majority of the members of the Board where there has been no appeal to the Council.

2. In all other cases, by a majority of the members of the Board and a majority of the members of the Council. [Formerly numbered Section 31-267; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 6. DELETED

[Deleted by Ord. No. 3663, eff. 3/15/05.]

DIVISION 7. TEXT AMENDMENT

10-1-1985: GENERALLY:

Amendments to the text of this chapter may be adopted without public hearing, except as otherwise provided in this division. [Formerly numbered Section 31-278; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1986: ENVIRONMENTAL IMPACT REPORT:

No text amendment which may have a significant effect on the environment shall be adopted until an environmental impact report is prepared, processed and considered in accordance with the provisions of Article 1, Title 9 Chapter 3 of this Code, unless the text amendment is otherwise exempt from the provisions of that article. [Added by Ord. No. 2383; Formerly numbered Section 31-278.1; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1987: LAND USE AMENDMENTS:

Amendments to the land use regulations shall be preceded by a public hearing as follows:

1. Classification of an unlisted use, repeal or modification of a listed use, and any change in the prohibited uses shall be heard by the Council.
2. All other amendments to land use regulations, including signs, displays, and conditions for home occupations and Planned Residential Developments, shall be heard by the Board. [Formerly numbered Section 31-279; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1988: PROPERTY DEVELOPMENT STANDARDS:

Amendments to the property development standards shall be preceded by a public hearing held by the Board. [Formerly numbered Section 31-280; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1989: INITIATION OF AMENDMENT:

Amendments may be initiated by:

1. The Council.
2. The Board. [Formerly numbered Section 31-281; Renumbered by Ord. No. 3058, eff. 2/21/87; 2930.]

10-1-1990: REFUND OF FILING FEE:

The filing fee shall be refunded if the Board withholds its consent or consents and the requested amendment is adopted by the Council. [Formerly numbered Section 31-282; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1991: REQUIREMENTS FOR ADDING A USE:

The Council shall not add a use to a list of permitted uses without first making the following findings:

1. The addition of the use will be in accord with the purposes of the zone in which it is proposed to be listed.
2. The proposed use is compatible with and has the same basic characteristics as the other permitted uses.
3. The proposed use can be expected to conform with the required conditions for the zone.
4. The proposed use will not be detrimental to the public health, safety or welfare.
5. The proposed use will not adversely affect the character of the zone.
6. The proposed use will not create more vehicular or other traffic than the volume normally created by any of the uses permitted.
7. The proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount, if any, normally created by any of the permitted uses.
8. The proposed use will not create any greater hazard of fire or explosion than the hazards normally created by any of the permitted uses.
9. The proposed use will not cause substantial injury to the values of property in the zone in which it is proposed to be listed or in any abutting zone. [Formerly numbered Section 31-283; Renumbered by Ord. No. 3058, eff. 2/21/87; 2194.]

10-1-1992: BOARD STUDY AND REPORT:

On all land use amendments and amendments to the property development standards, the Board shall study the proposed amendment and report to the Council. The report shall include a recommendation approving or disapproving the amendment. If the amendment proposes an unlisted use, the recommendation shall state the zone or zones in which the use should be classified and any conditions or property development standards not provided for that should apply to the use. [Formerly numbered Section 31-284; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1993: CITY PLANNER TO INVESTIGATE AND ADVISE:

The City Planner shall investigate and advise on all land use amendments and amendments to the property development standards. His report shall be filed with the Board and transmitted to the Council with the report of the Board. [Formerly numbered Section 31-285; Renumbered by Ord. No. 3058, eff. 2/21/87; 2941.]

10-1-1994: PUBLIC HEARINGS; NOTICE:

Public hearings required by this division shall be set by the body holding the hearing. Notice of the hearing shall be given by publication once in a newspaper of general circulation in the City not later than ten (10) days before the date of the hearing. [Formerly numbered Section 31-286; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 8. INTERIM ZONING

10-1-1995: INTERIM ZONING:

All territory which is annexed to the City or which is unzoned or becomes unzoned shall be classified as R-1. Within 45 days, the Board shall make a study of the territory to determine the appropriate zoning. If zoning or a change of zone is required, the Board shall initiate proceedings under Division 5 of this article. [Formerly numbered Section 31-287; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05.]

10-1-1996: INTERIM AMENDMENT:

If the Board in good faith, is conducting or intends to conduct studies within a reasonable time, or has held a hearing or hearings for the purpose of establishing or changing zone boundaries, or amending the uses permitted in any zone, or the property development standards required in any zone, the Council, to protect the public safety, health and welfare, may, as an urgency measure, adopt an interim Zoning Ordinance by an affirmative vote of four (4) of its members without complying with the public hearing requirements of this article. Such ordinance shall be in effect for not to exceed 90 days unless extended by the affirmative vote of four (4) members of the Council after a public hearing on such extension. Notice of such hearing shall be published at least once in a newspaper of general circulation in the City, not later than ten (10) days before the date of the hearing. No extension shall exceed one (1) year and not more than two (2) such extensions may be adopted. [Formerly numbered Section 31-288; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 9. DEVELOPMENT AGREEMENTS

10-1-1997: CITATION AND AUTHORITY:

This division is enacted pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7 of the Government Code, Section 65864 et seq. This division is adopted to supplement existing provisions of the Burbank Municipal Code and may be cited as the "Development Agreement Ordinance of the City of Burbank." [Added by Ord. No. 2965; Formerly numbered Section 31-300; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1998: PURPOSE:

The purpose of this division is to strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development by providing an option to the City and developers to enter into Development Agreements. This division is intended as an alternate process to accommodate major and unique developments for residential, commercial, professional, or other similar activities, including combinations of uses and modified development standards, which would create a desirable, functional, and community environment under controlled conditions of a development plan. This division is further intended to provide assurances to a land developer which will reduce the economic risks of a project while providing the City with a flexible means of promoting comprehensive planning and orderly development. [Added by Ord. No. 2965; Formerly numbered Section 31-301; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-1999: APPLICABILITY:

The procedures and requirements set forth in this division shall provide the specific regulations and development standards for any Development Agreements proposed by developers and entered into by the City Council under the authority vested in the Council pursuant to Section 10-1-1997 and may be in lieu of other procedures specified or required in other provisions of this article. [Added by Ord. No. 2965; Formerly numbered Section 31-302; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19100: APPLICATION:

A. FORM OF APPLICATION.

The City Planner shall prescribe the form of each application, notice, and documents provided for or required under this division for the preparation and implementation of Development Agreements.

B. ADDITIONAL INFORMATION.

The City Planner may require an applicant to submit such information and supporting data as the City Planner considers necessary to process the application. [Added by Ord. No. 2965; Formerly numbered Section 31-303; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19101: FEES:

Prior to the time an application for a Development Agreement is determined to be complete and accepted for processing, the applicant shall pay to the City Planner such fees as provided in the Burbank Fee Resolution. [Added by Ord. No. 2965; Formerly numbered Section 31-304; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19102: APPLICANT AND OTHER PARTIES:

A. APPLICANT.

Only a qualified applicant may file an application to enter into a Development Agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the Development Agreement, or authorized agent of such person. The City Planner may require an applicant to submit proof of the applicant's interest in the real property and of the authority of an agent to act for the applicant.

B. OTHER PARTIES.

In addition to the City of Burbank and the property owner, any federal, state, or local governmental agency or body, including the Redevelopment Agency of the City of Burbank, and any other private party may be included as a party to any Development Agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-305; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19103: PROPOSED TERMS OF AGREEMENT:

Each application shall be accompanied by a description of the proposed parties and the general terms and conditions proposed by the applicant to be contained in the Development Agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-306; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19104: REVIEW OF APPLICATION:

The City Planner shall endorse on the application the date the application is received. The City Planner shall review the application and may reject it if it is incomplete or inaccurate for processing. If the City Planner finds that the application is complete, the City Planner shall accept it for filing. The City Planner shall review the application and determine the additional requirements necessary to complete the agreement. After the required information is received, a staff report and recommendation shall be prepared. The staff report shall state whether or not the agreement as proposed or in an amended form would be consistent with the general plan and any applicable specific plan. [Added by Ord. No. 2965; Formerly numbered Section 31-307; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19105: CONTENTS OF DEVELOPMENT AGREEMENT:

Each Development Agreement shall be prepared under the direction and supervision of the City Planner and approved as to form by the City Attorney. Each Development Agreement shall contain the following minimum provisions:

- 1. Duration of agreement.
- 2. Permitted and conditional uses.
- 3. Density or intensity of uses.
- 4. Location of uses.
- 5. Provisions for reservation, dedication, and improvement of land for public purposes.
- 6. Rules, regulations, policies, and detailed design of physical improvements, governing property development standards, and public improvement standards.
- 7. Conditions, terms, restrictions, and requirements for subsequent discretionary action, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.
- 8. Commencement and completion dates.
- 9. Performance security as may be required.
- 10. An appeal process for resolution of any interpretation disputes. [Added by Ord. No. 2965; Formerly numbered Section 31-308; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19106: NOTICE:

The City Planner shall give notice of intention to consider adoption of a Development Agreement and of any other public hearing required by law or this division according to the provisions of this section.

A. FORM OF NOTICE.

The form of the notice of intention to consider adoption of Development Agreement shall contain:

- 1. The time and place of the hearing.
- 2. A general explanation of the matter to be considered including a general description of the area affected.
- 3. Other information required by specific provisions of these regulations or which the City Planner considers necessary or desirable.

B. TIME AND MANNER OF NOTICE.

The notice shall be published at least once in a newspaper of general circulation in the City of Burbank. The notice shall also be mailed to all persons shown on the last equalized assessment role as owning real property and occupants within 300 feet of the property which is the subject of the proposed Development Agreement.

C. DECLARATION OF EXISTING LAW.

The notice requirements referred to in this section are declaratory of existing law (Government Code Section 65867). The provisions of Government Code Sections 65854, 65854.5, and 65856 are incorporated by reference as a part of this section. If state law prescribes a different notice requirement, notice shall be given in that manner.

D. FAILURE TO RECEIVE NOTICE.

The failure of any person entitled to notice required by law shall not affect the authority of the City of Burbank to enter into a Development Agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-309; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01.]

10-1-19107: RULES GOVERNING CONDUCT OF HEARING:

The public hearing shall be conducted in accordance with the procedural standards prescribed in this article for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant shall have the burden of proof at the public hearing on the proposed Development Agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-310; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19108: IRREGULARITY IN PROCEEDINGS:

No action, inaction, or recommendation regarding the proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted in error or is shown. [Added by Ord. No. 2965; Formerly numbered Section 31-311; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19109: DETERMINATION BY PLANNING BOARD:

A. PLANNING BOARD HEARING.

Within 30 days of completion of an Environmental Impact Report, or within 90 days of the date the application is accepted as complete, whichever date is later, the Planning Board shall hear and consider the proposed Development Agreement.

B. RECOMMENDATIONS TO COUNCIL.

The Planning Board shall, at the conclusion of the hearing, recommend to the Council approval, disapproval, or modification of the proposed Development Agreement. Such recommendation shall include specific regulations, if applicable, to be applied to the proposed project, including but not limited to, the following:

1. Permitted uses.
2. Conditional uses.
3. Property development regulations.
4. Public improvement standards.
5. Special requirements where applicable.

6. Development plan and schedule. [Added by Ord. No. 2965; Formerly numbered Section 31-312; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19110: DECISION BY COUNCIL:

A. ACTION BY COUNCIL.

Within 30 days of the Planning Board action on a proposed Development Agreement, a public hearing shall be set by the City Clerk, noticed in accordance with Section 10-1-19106, and held by the Council. After the Council completes its public hearing, it may accept or disapprove the recommendation of the Planning Board. The Council shall refer matters not previously considered by the Planning Board during its hearing and any proposed modifications to the Development Agreement back to the Planning Board for report and recommendation. The Planning Board may, but need not, hold a public hearing on matters referred back to it by the Council.

B. CONSIDERATION WITH GENERAL AND SPECIFIC PLANS.

The Council may not approve the Development Agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

C. APPROVAL OF DEVELOPMENT AGREEMENT.

If the Council approves the Development Agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development takes effect, the Council may enter into the agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-313; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19111: ADDITIONAL USE OF DEVELOPMENT AGREEMENTS:

A. DISCRETIONARY ENTITLEMENTS.

The City Planner, in the City Planner's discretion, or the Planning Board or the Council, in its discretion, may approve the use of a Development Agreement as a method of implementing any discretionary approval authorized in this article, including, but not limited to, the following:

1. Zone map amendments.
2. Issuance of a Conditional Use Permit.
3. Conditions imposed upon approval of a Variance.
4. Conditions imposed upon approval of site plan review.
5. Conditions imposed in connection with the adoption of any specific plan.
6. Conditions imposed upon any subdivision.
7. Mitigation measures imposed upon a project after approval of an environmental impact report or a negative declaration in which such mitigation measures have been proposed as a mechanism for eliminating or reducing environmental impacts.

B. PROCESSING.

The processing, review, and approval of a Development Agreement authorized or required pursuant to the provisions of this section shall be processed, reviewed, and approved concurrently with the specific discretionary entitlement or review process applicable to the project which would be subject to such Development Agreement. Development agreements authorized or required pursuant to this section need not be processed pursuant to the provisions of this division. [Added by Ord. No. 2965; Formerly numbered Section 31-314; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19112: AMENDMENT AND CANCELLATION OF AGREEMENT BY MUTUAL CONSENT:

The procedure for proposing and adopting an amendment to or canceling, in whole or in part of the Development Agreement is the same as the procedure for entering into an agreement in the first instance. [Added by Ord. No. 2965; Formerly numbered Section 31-315; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19113: RECORDATION OF DEVELOPMENT AGREEMENT, AMENDMENT, OR CANCELLATION:

A. RECORDATION.

Within ten (10) days after the Development Agreement has been executed and has become binding on the City, the City Clerk shall have the agreement recorded with the County Recorder.

B. AMENDMENT OR CANCELLATION.

If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the Council terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder. [Added by Ord. No. 2965; Formerly numbered Section 31-316; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19114: PERIODIC REVIEW:

A. REVIEW OF DEVELOPMENT AGREEMENT.

The City Planner shall review the compliance by the property owner under the Development Agreement every 12 months from the date the agreement is entered into.

B. PUBLIC HEARING.

If the City Planner finds substantial evidence that the property owner under the Development Agreement has not complied in good faith with the terms and conditions of the Development Agreement the City Planner shall set a public hearing before the Planning Board, noticed in accordance with Section 10-1-19106, at which the property owner must demonstrate good faith compliance with the terms of the Development Agreement. The burden of proof of compliance by the property owner is upon the property owner.

C. FINDINGS UPON PUBLIC HEARING.

The Planning Board shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the Development Agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-317; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19115: PROCEDURE UPON FINDINGS:

A. FINDING OF COMPLIANCE.

If the City Planner after the City Planner's review, or the Planning Board after a hearing, determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.

B. FINDING OF FAILURE OF COMPLIANCE.

If the Planning Board after a hearing determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Planning Board shall forward its recommendation to the City Council and the City Council may modify or terminate the agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-318; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19116: MODIFICATION OR TERMINATION:

Within 30 days of receipt of the Planning Board's findings and determinations regarding compliance with the Development Agreement, a public hearing shall be set by the City Clerk, noticed in accordance with Section 10-1-19106, and held by the Council. The notice shall contain:

1. The time and place of the hearing.
2. A statement as to whether the City proposes to terminate or to modify the Development Agreement.
3. Other information which the City considers necessary to inform the property owner of the nature of the proceedings. At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Council may refer the matter back to the Planning Board for further proceedings or for report and recommendation. The Council may impose such conditions as it considers necessary to protect the interest of the City. The decision of the Council shall be final. [Added

by Ord. No. 2965; Formerly numbered Section 31-319; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19117: ENFORCEMENT:

Unless amended or canceled, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation (not including Title 9 Chapter 1 of this Code), adopted by the Council which may otherwise alter or amend the rules, regulations, or policies specified in such Development Agreement. [Added by Ord. No. 2965; Formerly numbered Section 31-320; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 10. PLANNED DEVELOPMENT

10-1-19118: TITLE:

This division shall be referred to as the "Planned Development Ordinance." [Added by Ord. No. 3016; Formerly numbered Section 31-330; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19119: PURPOSE:

This division is intended as an alternate process to accommodate unique developments for residential, commercial, professional, or other similar activities, including combinations of uses and modified development standards, which would create a desirable, functional and community environment under controlled conditions of a development plan. [Added by Ord. No. 3016; Formerly numbered Section 31-331; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19120: DEFINITIONS:

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 2 of Title 1 and Article 2 of Title 10 of this Code shall also govern the construction, meaning, and application of words and phrases used in this article and Development Agreements entered into pursuant to the provisions of this article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

ADOPTED CITY STANDARDS: Shall mean those property development standards and public improvement standards contained in Articles 5 through 16, inclusive, of Title 10, and Articles 10, 11, and 15 of Title 11 of this Code.

APPLICANT: Shall mean the developer or landowner requesting review and consideration of a proposed Planned Development.

APPROVED PLANNED DEVELOPMENT: Shall mean the project report and Development Agreement processed, completed and approved pursuant to the provisions of this article.

DEVELOPMENT AGREEMENT: Shall mean a Development Agreement as authorized pursuant to the provisions of Division 9, Article 19 (commencing with Section 10-1-1997) of this Code.

GROSS AREA: Shall mean the area of a parcel or parcels prior to the dedication of land for any public street purpose.

PROPERTY DEVELOPMENT STANDARDS: Shall mean those improvement standards for the development of private property, including, but not limited to, building heights, setbacks, building site area and coverage, signs, landscaping, parking, and access.

PUBLIC IMPROVEMENT STANDARDS: Shall mean those standards which relate to public improvements and facilities including, but not limited to, streets, street lighting, utilities, and drainage systems. [Added by Ord. No. 3016; Formerly numbered Section 31-332; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19121: APPLICABILITY OF REGULATIONS:

A. REGULATIONS AND STANDARDS.

This division, and any development plan or agreement, shall provide the specific regulations and development standards for any Planned Development as established pursuant to this division. Unless otherwise provided for in this division, or in any development plan or agreement, Articles 5 through 16, inclusive, of Title 10, and Articles 10, 11, and 15 of Title 11, or portions thereof, of this Code shall be specifically applied to any Planned Development established pursuant to this division.

B. MINIMUM STANDARDS.

Uniform City standards shall be the minimum standards for any Planned Development unless otherwise provided for in a development plan or agreement.

C. "PD" ZONE.

All Planned Developments shall be identified on the Zone Map with the letter coding "PD" followed by a specific reference number identifying each separate Planned Development and such shall constitute the zone for each Planned Development. All development plans and agreements adopted pursuant to this division shall be identified by reference to the corresponding designation of each "PD" Zone on the Zone Map. [Added by Ord. No. 3016; Formerly numbered Section 31-333; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19122: PERMITTED USES:

Any use may be permitted in any Planned Development, provided such use shall be specifically listed as a permitted use in the Development Agreement for the Planned Development. Such uses shall be located and conducted in accordance with an approved Planned Development and Development Agreement, adopted pursuant to the provisions of this division. [Added by Ord. No. 3016; Formerly numbered Section 31-334; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19123: CONDITIONAL USES:

Any use may be established as a conditional use in a Planned Development, provided such use be specifically listed as a conditional use subject to the provisions of the Development Agreement for the Planned Development. Such conditional uses shall be located and conducted in accordance with an approved Planned Development and Development Agreement adopted pursuant to this division. [Added by Ord. No. 3016; Formerly numbered Section 31-335; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19124: DESIGN REVIEW CRITERIA:

Planned Developments shall observe the following design review criteria:

A. The design of the overall Planned Development shall be comprehensive and shall embrace land, buildings, landscaping, and their interrelationships and shall be substantially consistent with the General Plan and any applicable Element of the General Plan.

B. The Planned Development shall provide for adequate permanent open areas, circulation, off-street parking, and pertinent pedestrian amenities. Building structures and facilities and accessory uses within the Planned Development shall be well integrated with each other and to the surrounding topographic and natural features of the area.

C. The Planned Development shall be compatible with existing and planned land use on adjoining properties.

D. Any private street system or circulation system shall be designed for the efficient and safe flow of vehicles, pedestrians, bicycles, and the handicapped, without creating a disruptive influence on the activity and functions of any area or facility.

E. The public street system within or adjacent to a Planned Development shall be designed for the efficient and safe flow of vehicles (including transit vehicles), pedestrians, bicycles, and the handicapped. Public streets shall be designed using standard City lane widths, capacities, and travel speeds. The design shall also include adequate space and improvements for transit vehicles and facilities for bicycle and pedestrian circulation. City standard entrance control requirements shall be maintained. Design of major streets shall also provide sidewalks, adequate street lighting, and concrete median islands on arterial streets.

F. Common area and recreational facilities shall be located so as to be readily accessible to the occupants of residential uses.

G. Compatibility of architectural design and appearance, including signing throughout the Planned Development, shall be sought. In addition, architectural harmony with surrounding neighborhoods shall be achieved so far as practicable.

H. Where applicable, an adequate variety of uses and facilities shall be provided in order to meet the needs of the Planned Development and adjacent neighborhoods.

I. The Planned Development and each building intended for occupancy shall be designed, placed, and oriented in a manner conducive to the conservation of energy. [Added by Ord. No. 3016; Formerly numbered Section 31-336; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19125: PROJECT REPORT:

The processing of a Planned Development shall commence with the submission of a project report to the Director. The project report shall be in a form determined by the Director, which will promote a complete understanding of the proposed Planned Development and allow for convenient modification and supplementation of such project report as the proposed Planned

Development is reviewed and evaluated. The applicant shall submit a sufficient number of copies of the project report as determined by the Director. Each project report shall contain the following minimum information:

A. DEVELOPMENT PLAN.

1. An aerial photograph or map of the site and adjacent land within 300 feet of the site, at a scale prescribed by the Director.

2. A legal description of the Planned Development.

3. A map drawn to scale showing the boundaries of the Planned Development, any public or private streets, proposed building sites, and any areas proposed to be dedicated or reserved for school sites, ponding basins, parks, parkways, paths, playgrounds, public buildings, and other such public or private uses.

4. A land use plan, including densities and intensities of uses, for the proposed "PD" Zone identifying the areas proposed for each use or combination of uses identified by the development program statement.

5. A vehicular and circulation plan for streets and rights-of-way within and adjacent to the Planned Development and for intersections and extensions of streets within the Planned Development indicating the proposed movement of vehicles, goods, pedestrians, and bicycles within the Planned Development, and to and from adjacent thoroughfares.

6. A designation of the number and type of dwelling units, gross area, and corresponding residential density for each area proposed for residential uses and the aggregate numbers and types of dwelling units, gross area, and residential density for all proposed residential uses.

7. A description of intensity of nonresidential uses expressed as estimated floor area ratio for each area of the Planned Development for which nonresidential uses are proposed.

8. Location of existing buildings.

9. Description of utility service systems, including gas, water, electricity, telephone, and cable television, to be provided for the Planned Development.

10. Description of storm waters and flood control systems, including location of flood control facilities.

11. Description of energy conservation designs and techniques to be incorporated in the development of the Planned Development.

B. DEVELOPMENT SCHEDULE.

1. A schedule, indicating to the best of the applicant's knowledge, the approximate earliest date upon which construction or development can begin, the approximate duration of time required for completion of the development, and the approximate date or dates of occupancy.

2. A phasing program indicating, in the event the proposed development within the Planned Development is expected to require more than one (1) year for completion and occupancy, a logical or programmed sequence of phases and related public improvements and incorporating a schedule as described in Subsection (1) above for each phase of development.

C. DEVELOPMENT PROGRAM STATEMENT.

1. A complete listing of all permitted and conditional uses retained or proposed, or potentially to be included, within the Planned Development.

2. A description of the nature of uses proposed, and the conditions or characteristics of occupancy, use, or operation, with particular reference to those conditions or characteristics which may warrant regulation differing from those regulations which might apply to such uses if located in one (1) or more general zones within the City, and justification for any such differences.

3. A complete listing and description, including diagrams, and a statement of justification, of all property development standards not consistent with adopted City standards which are proposed for the Planned Development.

4. A complete listing and description, including appropriate diagrams, and a statement of justification, of all public improvement standards not consistent with adopted City standards which are proposed for the Planned Development.

D. ENVIRONMENTAL INFORMATION.

The applicant shall provide such support documentation, studies, analyses, and explanatory materials pertinent for the thorough understanding and review of the environmental documents for the project.

E. SUPPLEMENTAL INFORMATION.

The applicant shall further provide any additional information, studies or material which the Director may deem appropriate for the reasonable explanation or illustration of the Planned Development. Any request by the Director made pursuant to the provisions of this subsection shall be in writing and mailed by first class mail to the applicant or his designated representative. [Added by Ord. No. 3016; Formerly numbered Section 31-337; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19126: DEVELOPMENT REVIEW:

A site plan for the Planned Development, or portion or phase thereof as approved and accepted by the Director, consistent with the provisions of Division 2 of this article, must be submitted for review and approval prior to the issuance of a building permit. Such plan shall be submitted as a part of the project report for the Planned Development as submitted, in which event the plan will be reviewed and considered as an integral part of the project report for the Planned Development. A tentative subdivision map or preliminary parcel map, covering at a minimum the area of the site plan, shall be submitted concurrently with such plan whenever the Director deems such map appropriate. The filing of a tentative subdivision map or a preliminary parcel map pursuant to the provisions of this section shall be deemed a waiver of the time limits contained in Title 11 of this Code. [Added by Ord. No. 3016; Formerly numbered Section 31-338; Renumbered by Ord. No. 3058; Amended by Ord. No. 3190, eff. 5/26/90.]

10-1-19127: PLANNED DEVELOPMENT REVIEW PROCESS:

Proposals for Planned Developments shall be processed as provided in this section.

A. PROJECT CONFERENCES.

1. Prior to filing a project report for a Planned Development, the applicant, his engineer and his planning consultant shall meet with the Director and such other persons as the Director may deem appropriate in order to 1) discuss property development standards and public improvement standards which may be proposed for the Planned Developments; 2) acquaint the applicant with the substantive and procedural requirements of this article; and 3) identify policies and issues which may create opportunities or pose significant constraints for the proposed Planned Development.

2. Nothing in this section shall be construed as precluding any other conference, meeting, or discussion which the applicant or the Director deems appropriate.

B. COMPLETION AND ACCEPTANCE OF A PROJECT REPORT.

No later than 30 calendar days after the Director has received a project report for a Planned Development, the Director shall determine in writing whether such project report is complete and accepted for processing, and shall immediately transmit such determination to the applicant. In the event the project report is determined not to be complete, the Director's determination shall specify those parts of the project report which are incomplete and shall indicate the manner in which such project report may be made complete. After the Director accepts a project report as complete, the Director may, in the course of processing the project report, require the applicant to clarify, amplify, correct, or otherwise supplement the information required for the project report.

C. FEES.

Prior to the time a project report for a Planned Development is determined to be complete and accepted for processing, the applicant shall pay such fees as provided in the Burbank Fee Resolution.

D. DISTRIBUTION OF PROJECT REPORT.

The Director shall distribute copies of the project report for a Planned Development, including the Development Plan, Development Schedule, and Development Program Statement, and all accompanying materials to other City departments and officials, government agencies, public utilities and private organizations, who are directly concerned with the Planned Development.

E. ENVIRONMENTAL REVIEW.

Prior to Planning Board and Council review of the project report and proposed Planned Development, appropriate environmental review in compliance with the California Environmental Quality Act of 1970, as amended, and applicable State guidelines, must be completed and submitted to the Director pursuant to Article 1 of Title 9 Chapter 3 of this Code. A project report for a Planned Development shall not be deemed complete until such review has been completed and accepted by the Director.

F. PREPARATION OF REPORT AND ANALYSIS.

1. The Director shall cause to be prepared a written report and analysis on the proposed Planned Development for presentation to the Planning Board and Council. Such report and analysis shall contain appropriate staff recommendations and shall be served on

the applicant at least ten (10) days prior to any hearing on the proposed Planned Development before the Planning Board.

2. The Director shall develop and implement appropriate administrative procedures for the participation of interested persons, affected property owners, private organizations, public agencies, and other City departments and officials in the preparation of the report and analysis on the Planned Development.

G. PLANNING BOARD HEARING.

Within 30 days of completion of the Draft Environmental Impact Report, if required, or within 90 days of the date the project report is accepted as complete, whichever date is later, the Board shall hear and consider the proposed Planned Development.

1. Notice of the time, place, and purpose of such hearing shall be published once in a local newspaper of general circulation, not less than ten (10) days prior to the date of the hearing, and shall be mailed by first class mail to all persons, organizations, and agencies which participated in the preparation of the Director's report and analysis. The Director may also give such additional notice as he deems desirable and practicable.

2. Notice of the time, place, and purpose of the hearing for purpose of the consideration for the Planned Development proposal shall be given at least ten (10) days in advance of such hearing to all property owners and occupants within 1000 feet of such proposed Planned Development.

3. The hearing may be continued for a period not to exceed 30 days unless a Draft Environmental Impact Report has been prepared, in which event the hearing may be continued for a period not to exceed 60 days for the purpose of allowing for the completion of the Final Impact Report. In the event the Board, for any reason, fails to make a recommendation within the time limits established by this subsection, the Planned Development proposal shall be referred to Council and set for hearing pursuant to Subsection (H) of this section.

4. At the conclusion of the hearing, the Board shall recommend to the Council approval, disapproval or modification of the proposed Planned Development. Such recommendation shall include specific regulations to be applied to the proposed Planned Development, including, but not limited to the following:

- (i) Permitted uses,
- (ii) Conditioned uses,
- (iii) Property development regulations,
- (iv) Public improvement standards,
- (v) Special requirements where applicable,
- (vi) Development plan and schedule.

H. COUNCIL HEARING.

Within 30 days of Board action on a proposed Planned Development, a public hearing shall be set by the City Clerk, noticed in accordance with Subsection (F)(1) and (F)(2) of this section, and commenced by the Council.

1. Following such hearing the Council shall adopt, modify, or reject the proposed Planned Development and the specific regulations which shall govern such Planned Development.

2. The hearing may be continued at the discretion of the Council.

3. Prior to approval of a Planned Development, the Council must find such Planned Development is consistent with the General Plan and applicable community plans and that the design criteria identified in Section 10-1-19124 of this article have been satisfied.

4. Any decision of the Council shall be final.

5. A Planned Development shall be adopted by uncodified ordinance.

6. Approval of any Planned Development shall include such conditions and specific regulations to be applied to the proposed Planned Development, including, but not limited to, the following:

- (i) Permitted uses,
- (ii) Conditioned uses,
- (iii) Property development regulations,
- (iv) Public improvement standards,
- (v) Special requirements where applicable,
- (vi) Development plan and schedule.

I. RULES GOVERNING CONDUCT OF HEARING.

Public hearings before the Board and Council on a proposed Planned Development shall be conducted in accordance with the procedural standards prescribed in this article for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant shall have the burden of proof at each public hearing on the proposed Planned Development.

J. IRREGULARITY IN PROCEEDINGS.

No action, inaction, or recommendation regarding the proposed Planned Development shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted in error or is shown.

K. APPLICANT MODIFICATIONS.

Whenever the applicant initiates or proposes a modification, change, or amendment to an accepted project report for a Planned Development, the time limits specified in this section shall be tolled for a period of 30 days following submission of such modification, change, or amendment, unless otherwise agreed to by the Director. [Added by Ord. No. 3016; Formerly numbered Section 31-339; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3587, eff. 11/3/01; 3020.]

10-1-19128: DEVELOPMENT AGREEMENT:

The approval of a Planned Development shall be subject to the applicant entering into an agreement or agreements with the City for the provision and guarantee of the terms, conditions, and regulations of the Planned Development as approved by the Council. Such agreement shall be the legal mechanism for the full implementation and enforcement of the approved Planned Development. The agreement shall be prepared under the direction and supervision of the Director and the City Attorney. Such Development Agreement shall contain the following minimum provisions:

- A. Duration of agreement.
- B. Permitted and conditional uses.
- C. Density or intensity of uses.
- D. Location of uses.
- E. Provisions for reservation, dedication, and improvement of land for public purposes.
- F. Rules, regulations, policies and detailed design or physical improvements, governing property development standards and public improvement standards.
- G. Conditions, terms, restrictions and requirements for subsequent discretionary actions, if applicable.
- H. Commencement and completion dates as specified in the Development Schedule.
- I. Performance security as may be required.
- J. An appeal to Council process for resolution of any interpretation disputes. [Added by Ord. No. 3016; Formerly numbered Section 31-340; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19129: PERIODIC COUNCIL REVIEW AND REVERSION:

- A. At least every 12 months the Director shall submit to Council a review of each Development Agreement entered into pursuant to the provisions of this article.
- B. Council may terminate or modify the agreement without the consent of the applicant or his successors in interest in the event Council finds and determines, on the basis of substantial evidence, the applicant or successor in interest has not complied in good faith with the terms or conditions of the agreement.
- C. The termination of a Development Agreement pursuant to the terms of this section shall result in the immediate reversion of the "PD" Zone to the R-1 Zone for each area of the Planned Development for which a final map has not been recorded or a building permit issued subsequent to the approval of the Planned Development. [Added by Ord. No. 3016; Formerly numbered Section 31-341; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19130: ENFORCEMENT:

Unless amended or canceled pursuant to Section 10-1-19132, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision or building regulation (not including Title 9 Chapter 1 of the Code), adopted by Council which may otherwise alter or amend the rules, regulations, or policies specified in such Development Agreement. [Added by Ord. No. 3016; Formerly numbered Section 31-342; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19131: COMPATIBILITY WITH DESIGN PLANS:

Construction drawings and plan checking documents, subsequently submitted with applications for required permits or other construction approvals pursuant to approved Planned Development regulations, shall conform to the site plan and shall be subject to all applicable review and permit requirements in effect at the time of approval and permit issuance. [Added by Ord. No. 3016; Formerly numbered Section 31-343; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19132: ADDITIONAL ENTITLEMENTS:

Nothing in this article shall preclude the processing or approval of discretionary entitlements or rights or privileges identified in this Code. Such entitlements shall be processed in the manner specified in such chapter. The property development standards, public improvement standards, and other design standards contained in the approved Planned Development shall be applied in the review of such entitlement applications. [Added by Ord. No. 3016; Formerly numbered Section 31-344; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19133: AMENDMENT:

Any amendment to the Development Agreement or Planned Development which substantially deviates from, or substantially modifies, the terms, conditions and regulations of the approved Planned Development, as determined by the Director, shall be deemed a new request for a Planned Development and processed pursuant to the provisions of Section 10-1-19127 of this article. [Added by Ord. No. 3016; Formerly numbered Section 31-345; Renumbered by Ord. No. 3058, eff. 2/21/87.]

10-1-19134: RECORDATION OF AGREEMENT:

No later than ten (10) days after the Council enters into a Development Agreement, the City Clerk shall record a copy of the agreement with the County Recorder. The burdens of the agreement shall be binding upon and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement. [Added by Ord. No. 3016; Formerly numbered Section 31-346; Renumbered by Ord. No. 3058, eff. 2/21/87.]

DIVISION 11. FENCE EXCEPTION PERMITS AND ENFORCEMENT

10-1-19200: MINOR FENCE EXCEPTION PERMIT:

A. INTENT AND PURPOSE.

The intent and purpose of the Minor Fence Exception Permit is to allow exceptions to the standards for fences, walls, and hedges in the single and multiple family residential zones. The minor exception permit allows for administrative exceptions to the standards where the fence or wall is six (6) feet or less in height or where the requested exception would otherwise be expected to have a lesser visual impact on surrounding properties and the neighborhood and not pose the same potential safety concern than a feature taller than six (6) feet.

B. PROCESS AND PUBLIC NOTICE.

Minor fence exception permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings; except that notice of the decision must be mailed to all property owners and occupants within a 150-foot radius of the property rather than a 1,000-foot radius and that applicants are not required to pay a fee when appealing a denial of a Minor Fence Exception Permit.

C. CONDITIONS.

The Director, or Planning Board or City Council if appealed, is authorized to attach conditions to the approval of a Minor Fence Exception Permit. Such conditions may include, but are not limited to, conditions requiring physical changes to the proposed structure or object. All conditions imposed must be for the purpose of satisfying the required findings, mitigating environmental or other impacts, and/or protecting the public health, safety, convenience, or welfare.

D. REQUIRED FINDINGS.

In lieu of the findings required by Section 10-1-1956, the Director, or Planning Board or Council if appealed, may not approve a Minor Fence Exception Permit unless the following findings are made. An applicant may propose measures to mitigate or abate any safety concerns for the purpose of making the required findings.

1. The feature does not obstruct the visibility of motorists at a street or alley intersection or exiting a driveway or otherwise affect a motorist's ability to safely operate their vehicle.

2. The feature is not constructed of any materials that may pose a danger to motorists, pedestrians, or other persons.

3. The feature is structurally sound and is adequately maintained.

4. The feature does not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way.

5. The feature is compatible in size, scale, proportion, and location with other yard features in the neighborhood, or is otherwise consistent with the prevailing neighborhood character.

6. The scale and proportion of the feature are consistent and compatible with structures on the same property and in the general area.

7. The feature does not encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.

8. The feature does not impose detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics. [Added by Ord. No. 3690, eff. 4/11/06.]

10-1-19201: MAJOR FENCE EXCEPTION PERMIT:

A. INTENT AND PURPOSE.

The intent and purpose of the Major Fence Exception Permit is to allow exceptions to the standards for fences and walls in the single and multiple family residential zones that could not otherwise be approved through the Minor Fence Exception Permit process. The major exception permit allows for additional public notice and Planning Board review of requested exceptions to the standards where the fence or wall is more than six (6) feet in height and therefore may have a noticeable impact on surrounding properties and the neighborhood and may pose a greater potential safety concern.

B. PROCESS AND PUBLIC NOTICE.

Major fence exception permits must be processed and approved or denied in the same manner as a Variance per Division 3 of Article 19 of this Chapter, including public notice, appeals, and hearings; except that notice of the public hearing must be mailed to all property owners and occupants within a 300-foot radius of the property rather than a 1,000-foot radius and that applicants are not required to pay a fee when appealing a denial of a Major Fence Exception Permit.

C. CONDITIONS.

The Planning Board, or City Council if appealed, is authorized to attach conditions to the approval of a Major Fence Exception Permit. Such conditions may include, but are not limited to, conditions requiring physical changes to the proposed structure or object. All conditions imposed must be for the purpose of satisfying the required findings, mitigating environmental or other impacts, and/or protecting the public health, safety, convenience, or welfare.

D. REQUIRED FINDINGS.

In lieu of the findings required by Section 10-1-1917, the Director, or Planning Board or Council if appealed, may not approve a Major Fence Exception Permit unless the following findings are made. An applicant may propose measures to mitigate or abate any safety concerns for the purpose of making the required findings.

1. The feature does not obstruct the visibility of motorists at a street or alley intersection or exiting a driveway or otherwise affect a motorist's ability to safely operate their vehicle.

2. The feature is not constructed of any materials that may pose a danger to motorists, pedestrians, or other persons.

3. The feature is structurally sound and is adequately maintained.
4. The feature does not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way.
5. The feature is compatible in size, scale, proportion, and location with other yard features in the neighborhood, or is otherwise consistent with the prevailing neighborhood character.
6. The scale and proportion of the feature are consistent and compatible with structures on the same property and in the general area.
7. The feature does not encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.
8. The feature does not impose detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.
9. The feature is reasonable and appropriate to mitigate demonstrated impacts related to noise, light or glare, dust, or privacy resulting from special circumstances or conditions that apply to the individual property and/or the surrounding neighborhood that could not be adequately mitigated with a feature permitted by the applicable zoning regulations or through the Minor Fence Exception Permit process. Such special circumstances or conditions are related to one (1) or more of the following:
 - a. Location of the property on or in proximity to a major or secondary arterial street
 - b. Location of the property in proximity to a non-residential use or property or a multiple family residential use or property in the case of single family property
 - c. The shape, size, configuration, or topography of the property
 - d. The location or configuration of structures upon the property [Added by Ord. No. 3690, eff. 4/11/06.]

10-1-19202: ENFORCEMENT ABEYANCE PROVISIONS IN LIEU OF FENCE PERMITS:

- A. Applicability.
 1. This Section provides provisions for holding in abeyance enforcement actions against nonconforming fences, walls, hedges, and other yard features established prior to April 11, 2006, in single and multiple family residential zones. This Section does not require or direct enforcement action for legal nonconforming yard features.
 2. When enforcement action is taken against a nonconforming yard feature established prior to April 11, 2006, the feature is subject to the requirements of this Section in lieu of the otherwise applicable requirements of the zone in which it is located.

3. In order to qualify for the enforcement provisions of this Section, such yard feature must have been erected, installed, constructed, or grown to maturity prior to April 11, 2006, and not modified or grown on or after April 11, 2006, in a manner that increased its non-conformity with the otherwise applicable requirements of the zone in which it is located.

B. Enforcement abeyance for fences and walls six (6) feet or less and other yard features of any height.

1. This Subsection provides for holding in abeyance enforcement actions against nonconforming fences and walls with a height of six (6) feet or less as measured from the abutting finished ground surface of the property on which the feature is located, and for other yard features and established mature vegetation of any height.

2. If the Community Development Director is able to make the following findings as related to the nonconforming yard feature, enforcement action against the nonconforming feature will be held in abeyance until such time that the provisions of this Section are repealed. An applicant may propose measures to mitigate or abate any safety concerns for the purpose of making the findings.

a. The feature does not obstruct the visibility of motorists at a street or alley intersection or exiting a driveway or otherwise affect a motorist's ability to safely operate their vehicle.

b. The feature is not constructed of any materials that may pose a danger to motorists, pedestrians, or other persons.

c. The feature is structurally sound and is adequately maintained.

d. The feature does not affect the ability of emergency personnel to respond to an emergency on the property or to adequately view the property and structures upon it from the public right-of-way.

3. A finding by the Director per Subsection (2) to hold in abeyance an enforcement action does not change the nonconforming status of the yard feature and does not provide legal rights to maintain the yard feature. The nonconforming provisions of Article 18 of this Chapter continue to apply to the feature.

4. If the Director is unable to make the findings in Subsection (2), the yard feature may be modified in a manner determined by the Director such that the Director is able to make the required findings.

5. If the Director is unable to make the findings in Subsection (2) with or without modification per Subsection (4), the property owner may nevertheless apply for an exception through the Minor Fence Exception Permit process permit per Section 10-1-19200.

C. Enforcement provisions for fences and walls taller than six (6) feet.

1. This Subsection provides enforcement provisions for nonconforming fences and walls with a height of more than six (6) feet as measured from the abutting finished ground surface of the property on which the structure or feature is located.

2. Enforcement action against such features will be held in abeyance only if the fence or wall modified so as to have a height of six (6) feet or less and the fence or wall satisfies the requirements of Subsection (B).

3. Alternatively, a property owner may apply for an exception through the Major Fence Exception Permit per Section 10-1-19201 [Added by Ord. No. 3690, eff. 4/11/06.]

ARTICLE 20. RESIDENTIAL GROWTH MANAGEMENT

10-1-2001: PURPOSE AND INTENT:

A. FINDINGS.

1. The City of Burbank has an adopted General Plan and City ordinances relating to the regulation of residential development. The Council has adopted a revised Land Use Element and is currently reviewing and considering a Circulation Element for the City; in addition, the council is reviewing and considering a specific plan for the Media District planning area of the City.

2. The City of Burbank is experiencing a period of intense residential development which is affecting a gradual deterioration in the quality of life within the City. Factors contributing to this deterioration in the quality of life for residents of the City of Burbank are as follows:

- (i) Traffic congestion;
- (ii) Loss of open space land;
- (iii) Overburdening of necessary or desirable services and facilities of the City of Burbank, including, but not limited to, power, sewer, water, streets, public parking, parks, recreation services, libraries and library services, police services, fire services, and paramedic services;
- (iv) Higher utility rates to subsidize growth;
- (v) Increased air, groundwater, and noise pollution; and
- (vi) Crowding, congestion, and increased crime.

3. The proposed buildout of the City's Circulation Element of the General Plan cannot accommodate the corresponding buildout of the existing Land Use Element as evidenced in part by the studies conducted in conjunction with the proposed specific plan for the Media District planning area.

4. The ongoing intense residential development and resultant deterioration in the quality of life are causing a loss of the residents' belief and confidence in their ability to control the future of their City.

5. There is a need for greater predictability and stability in the planning process.

6. It is the desire of the residents of the City of Burbank to preserve stable neighborhoods and the existing scale of residential development and construction in the community.

7. The adopted Land Use Element of the City of Burbank provides all property owners with a reasonable use of their property.

8. The adopted Land Use Element and Housing Element provide for an adequate variety and number of additional housing units to provide for the City's fair share of regional housing needs between the effective date of this article and January 1, 1994.

B. INTENT.

1. It is the intent of the Electors of the City of Burbank that the rate of residential growth be coordinated with the availability of sufficient public facilities and services in order that the services provided by the City can be properly and effectively staged to avoid overextending of existing facilities, and in order that efficient services may be brought up to required and necessary standards while minimizing, by means of long-range planning, the avoidable cost of short-sighted facility expansion. Coordination of residential growth with the availability of public facilities and services will assure that the City can develop the necessary street improvements, fire stations, sewer capacity, water system, electric system, parks and recreational and library facilities necessary to provide existing and future residents with at least the same level of service or if practicable, improved levels of service.

2. It is also the intent of the Electors of the City of Burbank to establish control over the quality and distribution of growth of the City in order to:

- (i) Preserve the stable neighborhoods and the existing scale of development in areas of the community;
- (ii) Preserve the open space of the City;
- (iii) Provide a suitable living environment for all citizens and residents of the City;
- (iv) Ensure the adequacy of municipal, utility, recreation, park and library facilities and services;
- (v) Facilitate a balance of housing types and values in the City that will accommodate the housing needs of all economic segments, including families of low and moderate income, and older families on limited and fixed incomes;
- (vi) Ensure the balanced development of the City;
- (vii) Prevent future significant deterioration in the local air quality;
- (viii) Ensure that the traffic demands do not exceed the capacity of streets that are in character with the City's single-family character;
- (ix) Ensure that the City does not grow in a pattern that places severe strain on local street and freeway systems;
- (x) Ensure the adequacy of fire protection and paramedic services;
- (xi) Ensure the adequacy of police protection; and
- (xii) Ensure adequate water, power, and sanitary sewer systems.

C. OBJECTIVES.

The protection of the public health, safety, and general welfare requires the establishment of a residential growth management program to accomplish the following:

1. Provide for a mechanism to coordinate growth over the period of the City's General Plan and Land Use Element from the present through 2000.

2. Provide for greater stability and predictability in provisions of the General Plan affecting residential development projects, and a greater degree of citizen control over the contents of the City's General Plan.

3. Augment the policies of the City of Burbank as recorded in the General Plan and City ordinances relating to the regulation of multi-unit residential development.

4. Ensure the adoption of a Community Facilities Element of the General Plan which would establish City-wide public facility standards for development and establish specific performance criteria for the completion of public facilities within the City of Burbank in a manner consistent with the Land Use, Circulation, and Housing Elements of the General Plan.

5. Ensure that no residential development will occur in the City of Burbank without appropriate assessment of its impacts on the community and adequate and timely provision for necessary public facilities and related services. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2002: MANDATORY VOTER APPROVAL FOR RESIDENTIAL DENSITY INCREASES:

A. AMENDMENTS TO GENERAL PLAN PRIOR TO 1994.

To secure stability in the City's ultimate population limit, and to allow an adequate opportunity to determine the adequacy of the provisions of the General Plan addressing residential density and the adequacy of the community facilities for a given level of residential development, the City shall not adopt, prior to January 1, 1993, any amendment to the text or any portion of the Land Use Element, as such Element exists on July 1, 1988, which increases the maximum allowable number of residential units which can be maintained and constructed in the City and the resultant population limit. No later than January 1, 1993, the Community Development Director shall prepare and submit to the Planning Board and the City Council a report which analyzes residential development under the Land Use Element as such Element may exist as of July 1, 1988, and the extent to which the residential densities specified in the Land Use Element, and other provisions of the Element affecting residential development, are appropriate to serve the interest of the City and its residents over the succeeding four (4) years. The report shall also include any recommendations for modification of the residential provisions of the Land Use Element. After receiving the report, the Planning Board and the City Council may consider and adopt modifications to the Land Use Element. Any amendments which are adopted by the Council shall be submitted to the voters for approval no later than December 1, 1993, and in any case shall become effective no earlier than January 1, 1994.

B. AMENDMENTS TO GENERAL PLAN AFTER 1994.

Following voter action on any amendments in accordance with the preceding paragraph, the City shall not adopt further amendments which increase the maximum allowable number of residential units prior to January 1, 2000, and the Community Development Director shall prepare and submit a report no later than January 1, 1999, which analyzes residential development as a basis for consideration of any such amendments.

C. DENSITY BONUSES.

Nothing in this section shall be deemed to affect or restrict the ability of the Council to provide density bonuses to low and moderate income multi-family development projects pursuant to the provisions of Government Code Section 65915 et seq., as such provisions may be amended from time to time. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2003: COMMUNITY FACILITIES ELEMENT OF THE GENERAL PLAN:

The Community Development Director shall cause the preparation and submission to the Planning Board and the City Council for review, consideration, and adoption of a Community Facilities Element of the General Plan by July 31, 1989. Such Element shall establish City-wide public facility standards for development approval and establish specific performance criteria for the completion of public facilities and provision of public services in the City. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2004: COMPREHENSIVE DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL PROJECTS:

The Community Development Director shall cause the preparation of and submission to the Planning Board and the City Council for review, consideration, and adoption of Comprehensive Development Standards for Multi-Family Residential Projects, by July 1, 1989. Such ordinance shall establish standards and criteria addressing at least the following attributes of such projects:

1. Site and architectural design quality which may be indicated by the harmony of the proposed buildings in terms of size, height, tiering, setbacks, color, and location with existing neighborhood development.
2. The amount and character of open space landscaping.
3. Site and architectural design quality which may be indicated by the arrangement of the site for efficiency of circulation, on and off-site traffic safety, and privacy.
4. The provision of public and/or private usable open space.
5. Contributions to and extension of existing systems of foot or bicycle paths, equestrian trails, and facilities and/or greenbelts.
6. The provision of needed public facilities, such as critical linkages in the major street system, schoolrooms, functional parks, or other vital public facilities.
7. Site and architectural design quality which may be indicated by the amount in character of modification of the topography of the site.
8. Absence of deleterious impact on trees and archeological sites.
9. The provision of significant water conservation features.
10. The provisions of energy generation and conservation features, such as additional insulation, housing siting and design, solar techniques and other innovative techniques.
11. Absence of deleterious impact on the physical and/or aesthetic environment.

12. Design and features which contribute significantly to the economic feasibility of producing housing at the lowest possible cost given economic and environmental factors, the public health, and safety, and the need to facilitate the development of housing for persons of low or moderate income. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2005: INTERIM CRITERIA FOR MULTI-FAMILY RESIDENTIAL PROJECTS:

Pending preparation and adoption of the Comprehensive Standards specified in Section 10-1-2004, all multi-family residential projects in the City must be reviewed and approved as conditional uses. In addition to the usual criteria for conditional uses, the Planning Board must find that the project is compatible with adjacent land uses in accordance with the criteria identified in Sec. 10-1-2004. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2006: COMMUNITY IMPACTS ASSESSMENT AND STANDARDS FOR APPROVAL:

A. INITIAL STUDY.

Any initial study or environmental impact report prepared in accordance with CEQA for a residential project shall include, in addition to other subjects required by CEQA, an assessment of the following community impacts:

1. The consistency of the project with adopted City plans and policies;
2. The impact of the project on public facilities and services;
3. The financial impact to the City and its residents of providing facilities and services the need for which is generated by the new project, and extent to which these financial impacts will be met by the new project or imposed upon existing residents of the City;
4. The compatibility of the project with the neighborhood in which it is located, in accordance with the criteria identified in Section 10-1-2004.

B. COMMUNITY REVIEW.

Prior to approving any residential project, the Planning Board must review the community impact analysis described above, and must find that:

1. The Board has eliminated or substantially lessened all significant effects on the community identified in the analysis, where feasible, as shown in findings in accordance with Section 15091 of the CEQA Guidelines; and
2. Determined that any remaining significant effects on the community found to be unavoidable are acceptable due to overriding concerns.

For purposes of this section, the requirement of findings regarding elimination or lessening on environmental effects and overriding concerns shall be implemented consistent with provisions of CEQA and the CEQA Guidelines. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2007: AVAILABILITY OF PUBLIC FACILITIES AND SERVICES:

The Planning Board shall examine each application for a residential development for its relation to, or impact upon, local public facilities and services, and shall approve any residential project only if it finds that the project is consistent with the Community Facilities Element. In particular, the Board shall consider:

1. The capacity of the water system to provide for the needs of the proposed development without system extensions beyond those normally installed by the developer.
2. The capacity of the sanitary sewers to dispose of the waste of the proposed development without system extensions beyond those normally installed by the developer.
3. The capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those normally installed by the developer.
4. The ability of the Fire Department and the Police Department to provide fire protection, paramedic protection, and police services according to the established response standards of the City without the necessity of establishing new facilities or requiring addition of major equipment, housing facilities, or additional personnel.
5. The capacity of major streets to provide for the need of the proposed development without substantially altering existing traffic patterns or overloading the existing street system.
6. The availability of parks, playgrounds, and libraries to meet the additional demands for vital public services without extension of services beyond those provided by the developer. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2008: EXEMPTIONS:

The provisions of this article shall not apply to the following residential projects:

1. Construction of a single-family dwelling unit on a legally existing and appropriately zoned lot.
2. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums, so long as no additional dwelling units are created.
3. Any project for which site plan review has been completed and an application of a building permit has been filed with the City prior to February 28, 1989. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2009: AMENDMENTS:

The Council, after a public hearing, may only amend this article, or any provision thereof, by a majority vote of the Council. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2010: SEVERABILITY:

If any provision of this article, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2011: EFFECTIVE DATE:

Unless otherwise amended or extended by a majority vote of the Council, this article shall become inoperative at 12:01 a.m. on January 1, 2000. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2012: CONSISTENCY WITH ADOPTED PLANS AND POLICIES:

The Electors of the City of Burbank find that this article is consistent with the adopted General Plan, including without limitation the Land Use Element and Housing Element. To the extent this measure may be in conflict with any provision of the General Plan and the adopted elements, the provisions of this article shall control and this article shall be considered an amendment of such conflicting terms and provisions. [Adopted by voters at a Referendum Election held February 28, 1989, (Ord. No. 3129).]

10-1-2013: EXTENSION OF THE RESIDENTIAL GROWTH MANAGEMENT PROVISIONS (MEASURE ONE):

A. FINDINGS.

1. On February 28, 1989, a Residential Growth Management Ordinance was adopted by voters and codified in Article 20, Sections 10-1-2001 through 10-1-2012, ("Measure One"). Section 10-1-2011, Article 20 was to become inoperative at 12:01 a.m. on January 1, 2000, unless amended or extended by a majority vote of the Council.

2. Through Ordinance No. 3533, the City Council extended Measure One through January 1, 2010, ("First Extension").

3. Through Ordinance No. 3770, effective December 4, 2009, the City Council further extended Measure One through January 1, 2020, ("Second Extension").

B. EXTENSION OF VOTER APPROVAL FOR RESIDENTIAL DENSITY INCREASES.

1. Extension. In extending the portion of Measure One codified in Section 10-1-2002, the City shall not adopt prior to January 1, 2020, "...any amendment to the text or any portion of the Land Use Element, as such element existed on July 1, 1988, which increases the maximum allowable number of residential units which can be maintained and constructed in the City and the resultant population limit" [language from Section 10-1-2002(A)].

2. Status Report. A status report shall be presented to the City Council and Planning Board by request of the Council or at any time deemed necessary by the City Planner which shall highlight any concerns about this measure, as extended, and propose any modifications as needed. After receiving the report, and at any other time, the Planning Board and the City Council may consider and adopt modifications to the Land Use Element.

C. EFFECTIVE DATE.

Unless otherwise amended or extended by a majority vote of the Council, Article 20, as extended, shall become inoperative at 12:01 a.m. on January 1, 2020.

D. EFFECT ON OTHER PROVISIONS.

Except for Section 10-1, 2002 (A) and (B) only, which has been set forth above in part, all other provisions of Article 20, Sections 10-1-2001 through 10-1-2012 shall remain applicable except to the extent that specific implementing ordinances have been adopted. [Added by Ord. No. 3533, eff. 1/8/00; Amended by Ord. No. 3770, eff. 12/4/09.]

ARTICLE 21. MEDIA DISTRICT OVERLAY ZONE

DIVISION 1. PURPOSE AND DEFINITIONS

10-1-2101: PURPOSE:

This article creates a Media District Overlay Zone which contains a series of zoning classifications for the Media District as defined in Resolution No. 23,146, which amended the General Plan and Land Use Element to reflect this District.

All land use regulations and development standards for the Media District Overlay Zone augment the land use regulations and development standards of the Burbank Municipal Code. However, the remainder of Title 10 of the Burbank Municipal Code shall apply for regulations applying to the Residential Zones of R-3, R-4, and R-5 which are referred to as MDR-3, MDR-4, and MDR-5. The Media District Overlay Zone regulates commercial-industrial land in the Media District for land use, density, height and setbacks, as well as specific aspects of parking, landscaping, landscaping for parking lots, design standards for parking lots, lighting, walls and fences, signs and design standards. When an issue, condition or situation occurs which is not covered or provided for in the Media District Overlay Zone Ordinance, the development regulations of the Burbank Municipal Code that are most applicable shall apply.

Projects of 25,000 square feet or greater occurring south of the Ventura Freeway will require mailed notice to all property owners from Mariposa Street to Clybourn south of the Ventura Freeway in addition to the 1,000-foot radius already required. Projects of 25,000 square feet or more occurring within the Media District north of the Ventura Freeway will require mailed notice to all property owners from Mariposa Street to Clybourn south of Oak in addition to the 1,000-foot radius already required. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2102: DEFINITIONS:

For the purposes of this article, the following definitions shall apply. Words or phrases not defined in this section shall be construed as defined in the Burbank Municipal Code. This section only includes words or phrases which are not defined elsewhere in this plan.

DEVELOPMENT OPPORTUNITY RESERVE ('DOR'): Means a portion of the Media District's development capacity which can be allocated to projects which best meet the goals of the plan through the Conditional Use Permit process. The DOR is 800,000 Office Equivalent Gross Square Feet.

FLOOR AREA RATIO ('FAR'): Means a density regulation that allows a prescribed amount of floor area for each square foot of land area. With a FAR of 1.1, 1.1 square foot of floor area would be allowed for one (1) square foot of lot area.

OVERLAY ZONE: Means a set of land use regulations and standards for areas having special sensitivity. These regulations shall take precedence over all other regulations established by the Burbank Municipal Code.

SPECIAL EVENT: Means any temporary event not exceeding 30 days whether indoors or outdoors, or on improved or unimproved property which is inconsistent with the zone in which the subject property is located. Special events shall also refer to any activity that may result in the closure of any public street.

TRANSPORTATION DEMAND MANAGEMENT ('TDM'): Means measures designed to reduce peak-hour vehicular trip including ridesharing, carpooling, work hour changes, and use of public transportation.

TRANSFER OF DEVELOPMENT RIGHTS ('TDR'): Means the ability of a property owner to transfer development rights from one (1) parcel in the Media District to another parcel in the Media District via the City's approval through the Conditional Use Permit process. [Added by Ord. No. 3224; Amended by Ord. No. 3457, eff. 3/1/97.]

DIVISION 2. MEDIA DISTRICT INDUSTRIAL (MDM-1) ZONE

10-1-2103: PURPOSE:

The Media District Industrial (MDM-1) Zone is intended for motion picture, television, recording production, other media-related activities, hospitals and medical-related uses and other restricted commercial/industrial uses compatible with these uses. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2104: USES IN THE MDM-1 ZONE:

In the MDM-1 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3224, eff. 2/16/91; Amended by Ord. No. 3504, eff. 12/26/98; 3464, 3439, 3400, 3376.]

10-1-2105: CONDITIONAL USES:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2106: PLANNED DEVELOPMENT USES:

Commercial uses which primarily serve the employees or residents of the Media District may be permitted provided a Planned Development (PD) application is submitted and the City determines that the proposed use is not likely to attract a substantial percentage of patrons from outside of the Media District, and provided that the Planning Board determines that the proposed use will be compatible with the uses in the surrounding zones. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2107: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a MDM-1 Zone:

A. DENSITY.

The density of all commercial and industrial property shall not exceed an office-equivalent gross square footage (OE-GSF) floor area ratio (FAR) of 1.1, except as provided for in this section.

1. Gross floor area. For the purpose of computing allowable density, "gross floor area" means the total horizontal area of all floors beneath the roof of a building. The computation excludes the columns, permanent interior walls, stair shafts, elevator shafts, duct shafts, mechanical equipment rooms that serve the building as a whole (offices only) and the area actually occupied by parking. The computation includes corridors, bathrooms, interior partitions which are not permanent or anything else not excluded above.

2. Office-equivalent gross square feet (OE-GSF) is a concept which allows more floor area for specific uses which generate less peak-hour trips per square foot than general office buildings. For example, a FAR 1.1 on a 10,000 square foot lot would allow 11,000 square feet of gross floor area of general office or 5,940 gross square feet of medical office pursuant to the "Office Equivalency Factors" set forth in Table 1 below.

OFFICE EQUIVALENCY FACTORS TABLE 1		
Land Use	Office Equivalency Factor	
General Office and Commercial	1.00	
Medical Office	0.54	
Light Industrial	1.90	
Warehousing	1.26	
Hotel	2.97	rooms/1,000 sf of land
Motel	3.15	rooms/1,000 sf of land
Multi-Family Residential		
Hospital		
Media Office	1.33	
Media Workshop	9.60	
Warehouse Storage	24.12	
Stage areas	6.34	

(i) Employers with 1,000 or more workers may achieve office equivalency ratios by implementation of City-approved transportation demand management (TDM) plans.

(ii) The most recent edition of Trip Generation, Institute of Transportation Engineers (ITE) may be used to determine office equivalency ratios for uses not listed in Table 1. The ITE tables do not include ratios for some land uses in the Media District. Requests for an office-equivalency ratio not listed here can be approved through the Conditional Use Permit process. The applicant must demonstrate to the satisfaction of the City, through a study performed by a licensed traffic engineer, that the office-equivalency ratio proposed is appropriate. The City may also require a monitoring program to ensure that these factors are maintained over time.

(iii) Commercial land uses also includes general retail, saving institutions, food outlets, restaurant and all other uses permitted or conditionally permitted in the commercial zones except for those uses specified in Table 1.

(iv) Multi-family residential development is limited by the Burbank Municipal Code rather than FAR; however, for the purpose of calculating impact fees, one (1) dwelling unit is equivalent to 297 square feet of office floor area.

(v) General, non-profit hospital space is not limited by FAR; however, for the purpose of calculating impact fees, 1.24 square feet of hospital floor area is equivalent to 1.0 square feet of general office space.

(vi) With respect to Media Office, Media Workshop, Warehouse Storage, and Stage Area Uses, the office-equivalency factor shown in Table 1 is based on preliminary data. It shall not be used unless verified by a report prepared by a certified traffic engineer to the satisfaction of the Director of Community Development. The report shall include a monitoring program which requires the applicant to periodically supply to the Director of Community Development sufficient information to ensure that the factors remain valid over time. The applicants may, alternatively, elect to use the following factors: Media Office - 1.33; Media

Workshop/Storage/Technical Space - 2.00; and Sound Stage - 4.00. If these alternative factors are used, the applicant shall supply a monitoring plan to the satisfaction of the Community Development Director prior to issuance of building permits for cumulative development of more than 25,000 adjusted gross square feet. This monitoring plan shall document the total and peak trips generated by the applicant's entire complex to verify that the alternative factors are a reasonable representation of the complex's trip generation. This monitoring plan shall include provisions requiring the applicant to periodically supply to the Director of Community Development sufficient information to ensure that the factors remain valid over time. If the monitoring plan fails, in the opinion of the Community Development Director, to substantiate that the alternative factors are a responsible representation of the complex's trip generation, the Community Development Director shall not allow the building permit to be issued until a report prepared by a certified traffic engineer has been accepted by the Community Development Director that documents the office-equivalency factors of the applicant's complex. The Community Development Director shall apply the office-equivalency factors determined by the certified traffic engineer's study. In order to use any media factors, the applicant shall execute and record an agreement, found acceptable to the Community Development Director, restricting the use of the building to those media uses which form the basis of the office-equivalency factor for which the applicant is applying. Violation of this agreement will be subject to enforcement.

3. Studio Lots as one (1) Parcel. Parcels within the main studio lots of each studio as shown on Figure 1, entitled "Land Considered Studios" shall be considered as one (1) parcel for the purposes of density calculation.

4. Development Opportunity. The allowable development opportunity for a given parcel of land shall be computed according to the following formula:

Lot Size x Office FAR (1.1) x Office Equivalency Factor (Table 1) = Allowable Floor Area

5. Density Requirement. Exceptions to the density requirements in this section are as follows:

(i) Media Center South - Media Center South has been recognized since the inception of the West Olive Redevelopment Project Area as a suitable location for more intensive development. Furthermore, the Media District Overlay Zone identifies this property as the focal point of the Media District, occupying a prominent, central location bounded by the Ventura Freeway, Olive Avenue and California Street. For these reasons, Media Center South has a density limit of FAR 2.0 OE-GSF, with the provision that this site is ineligible for the allocation of any development opportunity reserve, as discussed below.

(ii) Transportation Demand Management Plan - Any employer of 1,000 or more employees may apply for a Development Agreement to control development density by a Transportation Demand Management (TDM) Plan. These plans provide means of reducing peak-hour trip generation and require regular monitoring to ensure that the peak-hour trips generated by the employer do not exceed the number of trips that would be generated if the employer's site were developed to the FAR 1.1 limit with general office. In reviewing an application for such a Development Agreement, the City shall impose conditions on the additional development which ensure that the employer's peak-hour trip generation projections are not exceeded.

(iii) Development Opportunity Reserve - The Media District Overlay Zone includes a Development Opportunity Reserve (DOR) that allows the stated FAR limit to be exceeded through the Conditional Use Permit process for projects which provide benefits to the City by meeting the goals of the Media District Overlay Zone.

The DOR is limited to 800,000 gross square feet of development. The DOR is designed primarily to assist smaller properties which may have difficulty recycling at the FAR 1.1 density limit. Consequently, DOR is only available to properties where contiguous lots under one (1) ownership are four (4) acres or less in size.

(iv) Medical Offices Development Standards - Medical offices have a need to locate within the Media District to take advantage of proximity to St. Joseph Medical Center. The Media District Overlay Zone promotes medical office development within walking distance of the St. Joseph Medical Center by allowing DOR to be administratively allocated to medical offices within 750 feet of the center. Within this radius the density limits for medical offices are calculated as if those medical offices were general offices. The amount of DOR allocated to these medical offices must be subtracted from the DOR pool. The traffic impact fees charged within this area shall be based on the full office-equivalent square footage of the building.

(v) Transfer of Development Rights (TDR) - Any property owner may transfer development rights (TDR) from one (1) parcel under its ownership to any other parcel in the Media District with the City's approval through the Conditional Use Permit process. In reviewing a TDR application, the City will seek to determine whether the development will promote the goals of the Media District Overlay Zone, and will be at a scale which is consistent with the land use/urban design goals of the plan and compatible with surrounding land uses. In approving an application for TDR, the City will not only ensure that the project proposed at the receiving site is appropriate, but also that the transfer is not detrimental to the site from which the rights are transferred. Any development opportunity transferred will be deducted from the donor parcel's development opportunity; this reduction will be officially recorded with the deed to the property and noted on appropriate City and County records.

When the City approves a transfer of development rights (TDR) from land owned by one (1) owner to land owned by another owner, the City shall charge a TDR fee on a per-square-foot basis as established by a fee resolution. This fee is in recognition of the fact that TDR allows increased density on a site which, in turn, necessitates additional mitigation. The City, as part of the CUP process, will determine how the fee should be applied. The fee could be used to fund infrastructure or amenities, such as public art, streetscape treatments, landscaping or other public improvements which are not funded by impact fees. This fee shall not be deducted from the fees and improvements that would otherwise be required of the project without a TDR. The value of the fee shall be updated periodically, along with the impact fees, by a City Council fee resolution.

(vi) St. Joseph Medical Center - The St. Joseph Medical Center shall not be subject to the density limits which apply elsewhere in the Media District. The St. Joseph complex is considered a unique public service; plans for this area shall be reviewed for compliance with the goals and development standards of the Overlay Zone, but the limitation of FAR 1.1 shall not apply.

B. STRUCTURE HEIGHT.

1. Maximum Allowable Height. Subject to all other requirements of this section, the maximum allowable height for all commercial and industrial structures shall be determined as follows:

Distance from R-1,
R-1-H or R-2 Lot Line

Maximum Allowable Height

(i) 0-25 feet	1 foot height per 1 foot distance from R-1, R-1-H or R-2 lot line for any part of structure.
(ii) 25-50 feet	25 feet
(iii) 50-150 feet	35 feet
(iv) 150-300 feet	50 feet
(v) 300-500 feet	70 feet
(vi) greater than 500 ft.	15 stories, provided that the highest portion of the structure shall not exceed 205 feet above the average grade of the lot.

2. Conditional Use Permit. Unless as provided for in (3), or approved by Planned Development as provided for in (4), a Conditional Use Permit (CUP) is required for structures higher than 35 feet. By CUP, a structure may exceed 35 feet to a maximum height of 15 stories provided that the highest portion of the structure shall not exceed 205 feet above the average grade. A CUP may be granted if the City finds that the proposed structure will be compatible with the other uses surrounding the subject site and meets the goals and objectives of the General Plan for the Media District, including but not limited to, the goals of protecting the quality of life in single family residential neighborhoods, minimizing the potential for land use conflicts, promoting quality development and encouraging distinctive urban design elements and architectural standards.

3. Exception: Production-Related Studio Buildings. Production-related studio buildings of 125 feet or less in height within the main studio lots as shown in Figure 1 are not required to have a CUP for heights up to those provided as "maximum allowable height" in (B)(1) of this section. For the purpose of this exception, "production-related" shall mean that the proposed structure is designed for sound stage, warehouse, workshop, technical space, animation studios, wardrobe facilities or office space directly associated with studio operation.

4. Planned Development. By Planned Development, the City may approve a building higher than 15 stories or 205 feet but not higher than 18 stories or 246 feet above average grade, whichever is more restrictive, if the City finds that the proposed project not only meets or exceeds the goals of the General Plan for the Media District but also that the proposed project provides extraordinary features or amenities that make the proposed project an asset to the Media District and the City as a whole. Such features shall include fully-subterranean parking and open space/public plazas occupying a significant portion of the project site with mature landscaping. The City shall also require features and amenities that are appropriate to the proposed development, such as exceptional architectural design and the highest possible quality of construction materials, particularly exterior surfacing materials.

5. Floors of Parking. Floors of parking shall be counted the same as other floors for the purpose of the maximum floor limit and the maximum allowable height.

6. Measuring Building Height. The maximum allowable building height shall be measured from the average grade to the ceiling height of the highest room permitted for human occupancy.

7. Roof and Architectural Features. Roof and architectural features may exceed the maximum height up to 15 additional feet if a 45 degree angle or less is maintained as depicted in Diagram No. 1.

8. Olive Avenue Right-of-Way. The maximum height of any building within 150 feet of the Olive Avenue right-of-way south of Olive Avenue's intersection with Pass Avenue shall be 70 feet.

9. Riverside Drive West. The maximum height of any building in the commercial zone on Riverside Drive west of Evergreen Street shall be three (3) stories.

10. Relay or Communication Paths. New development shall not block relay or communication paths of media related uses in existence at the time of Overlay Zone adoption or shall incorporate in the development, at no expense to the transmitter, whatever relay facilities are necessary to ensure the continuation of existing relay or communication paths. This requirement is applicable during construction as well as during operation of any future project.

11. Building on Two (2) Height Limit Lines. For a new building straddling the two (2) sides of a height limit line, up to 10 percent of the volume of the structure (but not more than 10,000 square feet of total floor area) may be built within the lower height zone up to the limit specified for the higher zone; provided, however, that within the higher height zone and between the structure and the height limit line, there shall remain uncovered an amount of land at least equal to the amount of land in the lower height zone covered by the intruding portion of the structure. This exception shall not apply within 80 feet of the closest R-1, R-1-H or R-2 lot line.

Figure 1
Land Considered "Studio"

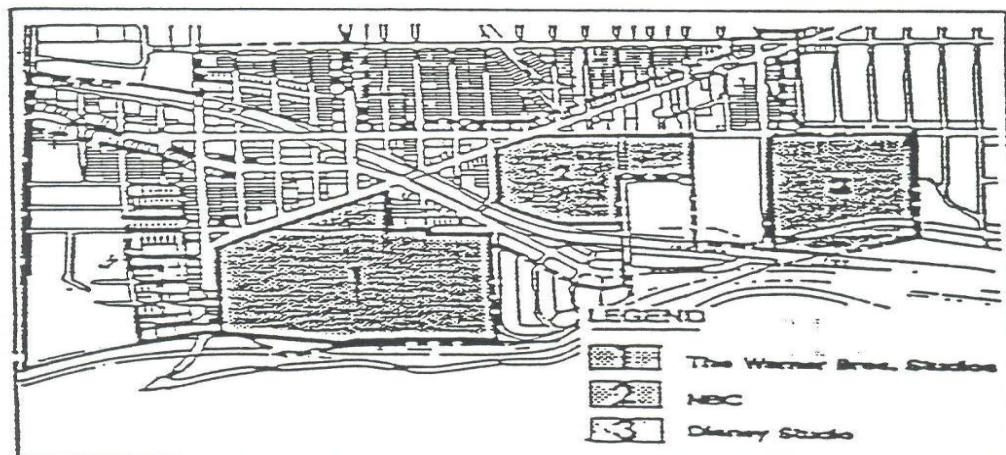


Figure 1. - Land considered 'Studio'

C. MINIMUM DEVELOPMENT STANDARDS FOR COMMERCIAL AND INDUSTRIAL PROPERTY.

All minimum development standards for Commercial and Industrial Property shall be those set forth in Table 2 below. Variations from these standards may be requested through the Planned Development process.

TABLE 2		
Category	Commercial Zone	Industrial Zone
Lot Size	4,800 sf	1 acre
Street Frontage	20 ft	100 ft
Lot Width (Average)	40 ft	100 ft
<i>BUILDING SETBACK FROM:</i>		
Street Right-of-Way	Minimum 5-ft setback; buildings taller than 15 ft in height must also have average setback of 20% of building height	
Lot Line of Property Zoned R-I, R-I-H, or R-2	20 ft	20 ft
Lot Line of Property Zoned R-3, R-4, or R-5	5 ft	15 ft
<i>PARKING LOT SETBACKS:</i>		
Lot Line of Property Zoned R-I or R-I-H	15 ft	15 ft
Street Right-of-Way	5 ft	5 ft

1. Building Setback. The entire setback may be used for an open-air restaurant or half the required setback may be occupied by a one (1)-story structure reserved exclusively by covenant for retail uses; open-air restaurant seating may be located on top of this single-story retail structure.

2. Surface Parking.

- (i) The required setback shall not be used for surface parking.
- (ii) Surface parking shall not be located between the structure that it serves and any primary or secondary pedestrian route, as shown in Figure 3.

D. MINIMUM PARKING REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL PROPERTY.

Minimum Parking Requirements for Commercial and Industrial Property shall be those set forth in Table 3.

TABLE 3	
Uses	Off-Street Parking Spaces Required
Banks and Savings & Loan Institutions	4 spaces per 1,000 sf of adjusted gross floor area
Bowling Alley	4 spaces per lane
Child Day Care Facilities	1 space for every 8 children and 1 space for each State Department of Social Services required employee
Convalescent Homes	5 spaces per 12 beds
Mini Shopping Centers	10 spaces per 1,000 sf of adjusted gross floor area (or less by CUP)
Gymnasiums and Health Studios	5 spaces per 1,000 sf of adjusted gross floor area
Hospital	Conditional Use Permit
Hotels/Motels	1 space per guest room
Medical Office	5 spaces per 1,000 sf of adjusted gross
Mortuaries/Funeral Homes	1 space per 3 fixed seats and 1 space per 21 sf adjusted gross floor area available for assembly where there are no fixed seats
Museum	1 space per 300 sf of exhibit area and 1 space per 5 seats, depending on exact nature of museum
Offices, General and Professional	3 spaces per 1,000 sf of adjusted gross floor area
Places of Public Assembly, Banquet Facilities, Churches, Exhibition Halls, Theaters and Convention Halls	1 space per 5 fixed seats and 28.6 spaces per 1,000 sf of adjusted gross floor area available for assembly where there are no fixed seats
Restaurants, Cafes, Bars Cocktail Lounges	10 spaces per 1,000 sf of adjusted gross area

TABLE 3	
Uses	Off-Street Parking Spaces Required
Retail Stores and Personal Services	3.3 spaces per 1,000 sf of adjusted floor space
Shopping Center Warehouse	5 spaces per 1,000 sf of adjusted gross floor area
	1 space per 1,000 sf of adjusted gross floor area
Uses not specified	To be determined by the Director of Community Development based upon comparable requirements for specified uses
Multi-Family Residential Requirements	As required in the Burbank Municipal Code

1. Calculating Required Parking. For the purpose of calculating required parking, gross floor area means the total horizontal area of all the floors beneath the roof of a building. This computation excludes the columns, permanent interior walls, stair shafts, duct shafts, mechanical equipment rooms that serve the building as a whole (office only) and the area actually occupied by parking. The computation does include corridors, bathrooms, interior partitions which are not permanent nor anything else not excluded above.

2. Conditional Use Permit-Restaurants. By Conditional Use Permit, the City may approve a reduction in the minimum parking requirement for restaurants which can prove, to the satisfaction of the Planning Board, that the restaurant will primarily serve a walk-in trade due to the nature of the proposed restaurant and its proximity to large concentrations of employment. An Employee Parking Plan shall be submitted to the Director of Community Development as part of Development Review performed on any restaurant west of Pass Avenue on Riverside Drive which requires Development Review.

E. SITE LANDSCAPING FOR NON-RESIDENTIAL USES.

1. Trees.

(i) Trees shall be planted in areas of public view adjacent to and along side and rear building lines. The standard shall be one (1) tree for every 20 linear feet of front and exposed side yard. The applicant shall submit a landscaping plan prepared by a licensed landscape architect for review and approval of the Park, Recreation and Community Services Director.

(ii) All required trees shall be a minimum 24-inch box size, unless otherwise approved by the Director of Park, Recreation and Community Services. Five (5) gallon trees may be substituted for 15 gallon trees at a 2:1 ratio at the discretion of the Director of Park, Recreation and Community Services.

2. Maintenance and Irrigation Equipment.
- (i) All landscape areas shall be maintained in a healthy and growing condition and shall require regular pruning, fertilizing, mowing and trimming.
 - (ii) All landscape areas shall be kept free of weeds and debris.
 - (iii) All irrigation systems shall be kept operable, including adjustments, replacements, repairs and cleaning as part of regular maintenance.
 - (iv) Damaged planting and irrigation equipment will be repaired or replaced within 30 days.

3. Screening. Combinations of berming, landscaping, walls and buildings shall be used to screen loading areas, storage areas, trash enclosures and utilities from public view. When used as a screen, the landscaping shall be of adequate maturity to reach the height and density sufficient to provide the necessary screening within 18 months of installation to the satisfaction of the Director of Public Works.

4. All Areas. Except as otherwise permitted herein, all setback and non-paved areas shall be landscaped.

5. Drought Resistant Plants. Drought-tolerant and low-water requiring plant materials are encouraged for purposes of water conservation.

6. Construction. If construction of a phase will not begin within one (1) year following completion of the previous phase, areas proposed for development in the future shall be temporarily turfed, seeded, and irrigated with an automatic sprinkler system for dust and soil erosion control. If construction begins within one (1) year, the area shall be irrigated as necessary to prevent dust.

7. Stake Trees. All trees shall be staked with a double steel pipe and seared with rubber or plastic strip or other commercial tie material. Wire shall not be used to tie the tree to the stakes.

8. Mounds. Graded mounds shall not exceed a 3:1 slope. Mounds over 30 inches high shall not be placed within ten (10) feet of any street and/or alley intersection.

9. Planters. All landscaping planters shall have a minimum dimension of five (5) feet.

10. Irrigation Systems. All landscaped areas shall be provided with an irrigation system approved by the Park, Recreation and Community Services Director consisting of waterlines and sprinklers designed to provide head to head coverage and to minimize overspray onto structures, walks and windows.

11. Exemptions. At the discretion of the Community Development Director, a barrier-free, four (4)-foot wide paved walk may be provided through the required planter at street and driveway intersections to provide unencumbered access for the handicapped from the sidewalk to the parking lot. Such walks shall be located so as to facilitate the most direct movement of persons using sidewalk curb ramps, if such are provided. Bus shelters may be located within this planter, if approved by the Community Development Director and the Park, Recreation and Community Services Director.

F. This section deleted by Ord. No. 3548, eff. 09/02/00.

G. This section deleted by Ord. No. 3548, eff. 09/02/00.

H. LIGHTING.

1. Design.

(i) All project lighting should be designed to eliminate glare onto adjacent properties.

(ii) The design of light standards shall be compatible with the building architecture and adjacent light standards in the public right-of-way and adjacent projects.

2. Security.

(i) Carports, garages, parking areas and driveways shall contain security lighting.

(ii) Primary pedestrian walkways shall be lighted for pedestrian safety.

3. Low-Level. Low-level architectural lighting of the buildings and landscaped areas is encouraged.

4. Conservation. Energy conservation shall be an important consideration in nighttime lighting plans. Plans for the design and operation of lighting and illumination shall be developed consistent with the latest technical and operational energy conservation concepts.

I. WALLS AND FENCES.

1. Design. Walls and fences shall be designed to complement the building's architecture and that of adjacent fences and walls through the use of similar materials and construction details. Walls or fences that are of opaque construction at the front of the property should be low enough so as not to impair traffic safety by obscuring or blocking views of oncoming traffic (maximum height of 30 inches within five (5) feet of an entrance).

2. Surface. Where long lengths of fence or wall surfaces are required, periodic articulation or change of material shall be used to prevent monotony. Undifferentiated wall lengths shall be no longer than 100 feet.

3. Height. Except as otherwise provided, the height of walls, fences and hedges of property located at or within ten (10) feet of the property line adjacent to an intersection, shall not exceed the following:

4. This section deleted by Ord. No. 3548, eff. 09/02/00.

J. STUDIO EXEMPTION.

On main studio lots, as depicted in Figure 1, fences, hedges and other enclosures shall be permitted in required yards subject to the approval of the Director of Community Development.

K. ADDITIONAL STANDARDS.

The standards contained in Articles 11 through 16 of this Chapter also apply to the Media District commercial and industrial zones. In the event of any conflict between the requirements contained in Articles 11 through 16 and the other requirements of this Section, the requirements of this Section rule. [Added by Ord. No. 3224; Amended by Ord. No. 3716, eff. 9/23/07; 3700, 3548, 3488, 3457.]

10-1-2108: DEVELOPMENT REVIEW:

No structure shall be erected in a MDM-1 Zone until a site plan has been submitted for Development Review and approved by the Director, as provided in Division 2, Article 19 of this chapter. [Added by Ord. No. 3224, eff. 2/16/91.]

DIVISION 3. MEDIA DISTRICT COMMERCIAL (MDC-2) ZONE

10-1-2109: PURPOSE:

The Media District Limited Commercial (MDC-2) Zone is intended to serve the retail/service needs of the Media District business community and the adjacent residential neighborhood. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2110: USES IN THE MDC-2 ZONE:

In the MDC-2 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3224; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3464, 3457, 3452, 3439, 3400, 3376.]

10-1-2111 AND 2111.5:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2112: PROPERTY DEVELOPMENT STANDARDS:

The standards set forth in Section 10-1-2107 of this article shall apply to the MDC-2 Zone. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2113: DEVELOPMENT REVIEW:

No structure shall be erected in an MDC-2 Zone until a site plan has been submitted for Development Review and approved by the Director as provided in Division 2, Article 19 of this chapter. [Added by Ord. No. 3224, eff. 2/16/91.]

DIVISION 4. ZONE MEDIA DISTRICT GENERAL BUSINESS (MDC-3) ZONE

10-1-2114: PURPOSE:

The Media District General Business (MDC-3) Zone is intended for general business establishments and other commercial uses which meet the goals and intent of the Media District Overlay Zone. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2115: USES IN THE MDC-3 ZONE:

In the MDC-3 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3224; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3464, 3457, 3452, 3439, 3400; 3376.]

10-1-2116: PROPERTY DEVELOPMENT STANDARDS:

The standards set forth in Section 10-1-2107 of this article shall apply to the MDC-3 Zone. [Formerly numbered Section 31-2117; Amended by Ord. 3520, eff. 7/10/99; 3224.]

10-1-2116.5: DEVELOPMENT REVIEW:

No structure shall be erected in an MDC-3 Zone until a site plan has been submitted to Development Review and approved by the Director, as provided in Division 2, Article 19 of this chapter. [Formerly numbered Section 31-2118; Amended by Ord. No. 3520, eff. 7/10/99; Ord. No. 3224.]

DIVISION 4.5. DELETED

[Deleted by Ord. No. 3666, eff. 3/20/05; Added by Ord. No. 3520, eff. 7/10/99.]

DIVISION 5. MEDIA DISTRICT COMMERCIAL/MEDIA PRODUCTION (MDC-4) ZONE

10-1-2119: PURPOSE:

The Media District Commercial/Media Production (MDC-4) Zone is intended for general business establishments, other commercial uses and certain restricted media production activities which meet the goals and intent of the Media District Overlay Zone. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2120: USES IN THE MDC-4 ZONE:

In the MDC-4 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3224; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3464, 3457, 3452, 3439, 3400, 3376.]

10-1-2121 AND 2121.5:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2122: PROPERTY DEVELOPMENT STANDARDS:

The standards set forth in Section 10-1-2107 of this article shall apply to the MDC-4 Zone. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2123: DEVELOPMENT REVIEW:

No structure shall be erected in an MDC-4 Zone until a site plan has been submitted for Development Review and approved by the Director as provided in Division 2, Article 19 of this chapter.

DIVISION 6. RESIDENTIAL ZONES

10-1-2124: RESIDENTIAL ZONES:

The residential zones are those areas of the Media District zoned MDR-3, MDR-4 and MDR-5. The purpose of these zones is to ensure that the uses permitted are compatible with the existing residential neighborhoods. As previously stated, Article 6 of this chapter shall apply, and MDR-3 shall be treated as if R-3; MDR-4 shall be treated as if R-4; and MDR-5 shall be treated as if R-5, except for the list of permitted uses per section 10-1-627. [Added by Ord. No. 3224, Amended by Ord. No. 3751, eff. 10/31/08.]

DIVISION 7. DESIGN STANDARDS

10-1-2125: PURPOSE AND GOALS:

The following design standards will serve as guidelines to address various aspects of design as it relates to private development. These standards are flexible and allow for a variety of design responses. However, they set forth important concepts which ensure that as private development proceeds, each project contributes to a cohesive, functional and aesthetic Media District Overlay Zone. The design standards are as follows:

A. To ensure an orderly high quality development process; to protect and enhance major public investments in the area; to protect both small and large scale private investments in the area; and to minimize development cost by eliminating uncertainty and reducing potential development problems. [Added by Ord. No. 3224, eff. 2/16/91.]

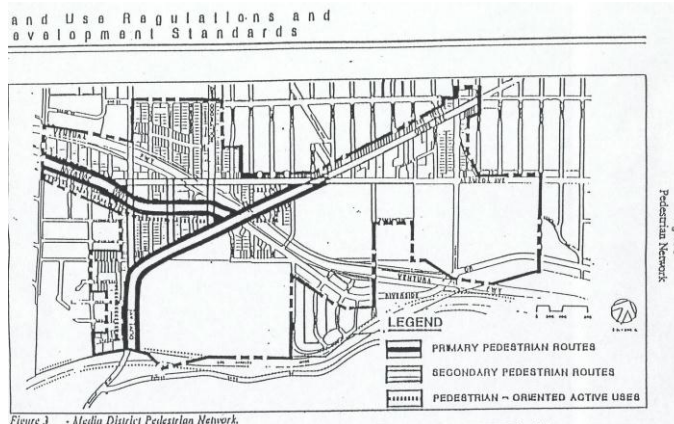
10-1-2126: COMPLIANCE:

Compliance with these design standards shall be determined by the Director of Community Development as part of the Design Review process. Final approval of a project is required from the City Council or City Planning Board. In the latter case, the City Council or the City Planning Board shall determine compliance. These design standards shall apply to all development in the MDM-1, MDC-2, MDC-3, and MDC-4 zones. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2127: LAND USE ALONG PEDESTRIAN ROUTES:

High levels of pedestrian activity, such as shopping, eating, watching, resting, going to and from work, will create interest and provide a sense of safety and security to people on the streets in the Media District. Active streets are also safe streets. These guidelines encourage patterns of land use along streets so that pedestrian activity areas will be created within the media core.

The pedestrian network illustrated in Figure 3, is one of the Media District Overlay Zone's most important elements. The key concept is continuity of ground level retail, restaurant and other "active" uses along key street frontages and open spaces. Private developments should orient active land uses in the pedestrian routes and open space system. [Added by Ord. No. 3224, eff. 2/16/91.]



10-1-2128: CONTINUITY IN RETAIL FRONTAGE:

In order to maintain an active pedestrian environment, retail uses must be the predominant ground floor use. Long gaps between retail stores discourages active pedestrian shopping and activity. Non-retail first floor uses should be kept to a minimum in retail and restaurant areas. New development should provide first floor retail and restaurant frontage in character with adjacent uses. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2129: TREATMENT OF NON-RETAIL FRONTAGE:

Non-retail uses such as offices, service and institutional uses should have visually interesting fronts. Non-retail storefronts should convey the nature of the inside activity to passersby and contribute to the visual interest of the area. Blank, monotonous walls are discouraged. Windows, signs, displays and entrances should convey information about the nature of the business inside. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2130: PEDESTRIAN ACCESS TO BUILDINGS:

Active street and open space frontages along major and secondary pedestrian routes create an interesting and safe pedestrian environment. Whenever possible, the public entrance to shops, stores, and lobbies shall face those streets and open spaces designated as primary pedestrian routes in Figure 3. Second level walkways should not be provided in lieu of ground level walkways because the active land uses are recommended primarily for the ground level. However, in locations such as the Media Center, where multi-level pedestrian activity and retail space are encouraged, second level walkways are encouraged. Also, a second level walkway may be beneficial between the medical office building on the north side of Alameda Avenue and the St. Joseph Medical Center complex. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2131: BUILDING APPEARANCE:

The guidelines in this section regulate or establish the physical appearance and configuration of buildings in the Overlay Zone. The aspects of a building which define its appearance include numerous elements which are addressed by these guidelines including style, height, massing, shape, scale, proportion, materials and finishes, color, lighting, and storefront design. The intent of these guidelines is to assure a harmonious relationship between buildings, the immediate visual environment, and the overall design framework.

A. HEIGHT.

A cluster of tall buildings in the Overlay Zone can visually express the importance of the area and provide physical definition to streets and open space. Building height is also an important factor in the provision of light and air and the protection of public open space.

Building heights should relate to open spaces to allow maximum winter sun and ventilation, protection from prevailing winds, enhance views to public plazas and scenic landmarks, and minimize obstruction of view from adjoining structures.

B. SCALE.

Scale is the relationship between building size and the size of a human being. Large-scale buildings or building elements will look imposing to pedestrians if they are situated in a visual environment of smaller scale. The scale of the building elements should be carefully related to adjacent pedestrian areas and buildings.

Buildings should be designed so that the height and massing contributes to human-scaled pedestrian walkways and major public space.

C. PROPORTION.

Proportion is the ratio or relative size of dimensions within a building. It can refer to specific details such as height to width of a window or door, or the relationship between the height and width of the entire facade. Proportion of buildings and components of buildings should, to the greatest extent possible, relate to dominant patterns within the immediate visual environment.

D. STOREFRONTS AND WINDOW DISPLAYS.

Storefronts and window displays are vital in contributing to an interesting, lively pedestrian environment. Continuity of display windows is essential to creating a pedestrian shopping area. In contrast to shops oriented to the automobile, which must rely on large-scale signs, a shop on a pedestrian street can emphasize the quality of its goods in window displays which attract potential customers. Building design should maximize the exposure of visually interesting activities within the building along pedestrian-oriented walkways.

E. GLARE AND REFLECTIONS.

Glare and reflections can seriously interfere with the visibility of window displays. Careful design can minimize glare to enable displays to communicate more effectively. Arcades, canopies, non-reflective paving and artificial illumination shall be utilized to overcome the problem of glare to the extent possible.

Building elevations with 50 percent or more of the building surface in glass or other reflective materials shall be limited to a maximum of 15 percent reflectivity for those materials. Building elevations with less than 50 percent of surface in glass or other reflective materials shall be limited to a maximum of 20 percent reflectivity for those materials.

F. MASSING.

Building massing is the overall volumetric relationships of major building elements; building massing contributes significantly to overall building appearance and scale and will largely define the relationship of the building to its immediate visual environment and its place on the skyline of the City.

To lessen the appearance of excessive bulk, the following design techniques may be used: varying the planes of the exterior walls in depth and/or direction; varying the height of the building so that it appears to be divided into distinct massing elements; articulating the different parts of a building's facade by use of color, arrangement of facade elements; and using landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building.

G. SETBACKS.

Building setback has a distinct impact on the quality and scale of urban spaces. Creative use of setbacks along pedestrian-oriented streets helps to create a sense of enclosure and creates the opportunity for outdoor uses.

Such setbacks should include, but are not limited to, space for: plazas, pedestrian areas, outdoor eating spaces, and landscaped areas.

Olive Avenue setbacks, in particular, can be used for landscaped open areas because of the street's diagonal orientation. New construction or major remodeling should employ corner setbacks or cutoffs where appropriate. Landscape setbacks shall be provided in proportion to the height and mass of the structure. Setbacks in excess of 150 feet shall provide emergency access in accordance with the City of Burbank Fire Department requirements.

All required setbacks on designated pedestrian corridors shall be accessible to pedestrians and designed with seating, landscaping and other amenities which promote pedestrian activity.

H. MATERIALS AND FINISHES.

Depending upon specific design applications, a range of materials and finishes are appropriate within the Media District Overlay Zone. Primary building surfaces that are most appropriate include: concrete with fine exposed aggregate or sandblasted finish, metal, glass, stone or brick. Limited areas of finished wood or plaster may be appropriate in protected areas. Exterior finishes of buildings should contribute to a cohesive physical environment and should convey a sense of appropriateness to the Media District Overlay Zone. Materials and finishes should be selected for appropriateness, ease of maintenance and durability.

I. COLOR.

Color dramatically affects the visual appearance of buildings and the Media District Overlay Zone as a whole; therefore, the colors used must be carefully considered in relation to the urban design concept and the overall design intent of the building. Color can also affect the apparent scale and proportion of buildings by highlighting architectural elements such as doors, windows, fascias, cornices, lintels and sills.

Depending on the overall color scheme, an accent color may be effective in highlighting the dominant color by providing contrast or by harmonizing with the dominant color. The accent color may be brighter, more intense, more subdued, lighter, or darker than the dominant color.

Contrasting colors may be used to accent building elements, such as door and window frames and architectural details at the pedestrian level. Contrasting colors can also be used to accent appropriate scale and proportion or to promote visual interest in harmony with the immediate environment.

J. HARDSCAPE.

Hardscape elements are streetscape items such as paving, benches, shelters, fountains, light fixtures, and public art and other street furnishings. The following guidelines will apply to any hardscape elements that are located in private development areas.

The City will be implementing public improvements to define public-private site relationships. Private site streetscape improvements should be compatible with public right-of-way improvements.

Street furniture elements included within private developments should complement the street furnishings planned for adjoining public spaces. The relative sizes and design of private street furnishings shall be compatible with the building to which they relate. Street furnishings shall be constructed of durable, easily maintained material that will not fade, rust, rot or otherwise deteriorate. The furniture shall be maintained in good condition at all times.

K. PAVED SURFACES.

In places where private and public paved areas join, such as plazas, outdoor cafes and gallerias, the surfaces of each should be compatible.

Paved surfaces on private property which abut public sidewalks or other pedestrian areas shall be extended into the public right-of-way whenever possible in order to minimize the perception of street width, and maximize the appearance of sidewalk width.

L. WALL MURALS.

Wall murals should be used to enhance the environment and/or streetscape. Wall murals should be maintained in good visual condition throughout the life of the mural. [Added by Ord. No. 3224, eff. 2/16/91.]

DIVISION 8. TRANSPORTATION DEMAND MANAGEMENT

10-1-2132: PURPOSE:

A significant number of the work trips projected in the Media District Overlay Zone will be accommodated not by increasing the capacity of the street system but by reducing the demand for additional street capacity through transportation demand management. Transportation Demand Management (TDM) is the term for a wide range of strategies including ridesharing, vanpools, use of public transportation and shifts in work hours and schedules.

The purposes of requiring transportation demand management efforts are as follows: Minimize peak hour commute trips from new and existing employer development; Reduce the traffic impacts within the community and region with a reduction in the number of vehicles and total vehicle miles traveled; Reduce the vehicular emissions, energy usage, and ambient noise levels by a reduction in the number of vehicular trips, total vehicle miles traveled, and traffic congestion through a decrease in peak hour commute trips, as well as achieve and maintain a Level of Service (LOS) "D" on streets, arterials and highways; Minimize the percentage of employees traveling to and from work at the same time and during peak hour periods by encouraging modified work schedules; Promote or increase work-related transit use, ridesharing, and bicycling to minimize parking needs and to keep critical intersections from severe overload; Decrease the governmental economic costs of transportation improvements; and Maximize the use of commute modes other than single-occupancy vehicle through the use of Transportation Demand Management, Transportation Systems Management and Transportation Facilities Development (new and existing). [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2133: TRANSPORTATION MANAGEMENT ORGANIZATION (TMO):

Upon the effective date of this ordinance, employers with over 1,000 employees within the Media District shall form and/or maintain a Transportation Management Organization (TMO). By January 1, 1992, all employers and property owners subject to the trip reduction requirements of the Media District Overlay Zone set forth in Sections 10-1-2135, 10-1-2136 and 10-1-2137 shall be members of the TMO. The TMO shall be a private non-profit corporation. The TMO shall be housed within the District. Membership within the TMO, beyond the above mentioned organizations, shall be voluntary.

As long as the trip reduction goals of this plan are met, the City will not become a member of the TMO nor will the City require specific TDM measures for individual employers beyond those imposed in the following sections and those requirements which may be imposed by the City's future citywide TDM Plan. However, the City reserves the right to revise the plan and its implementing ordinances as these regulate both the TMO and individual employers if the trip-reduction goals stated below are not met.

The TMO shall work with its membership to achieve the trip-reduction goals of this plan. The TMO shall report to the Community Development Director at least annually as to the programs and strategies of the TMO and its membership plus PM peak hour trip generation for all employers and developments subject to the TDM requirements of this plan to the satisfaction of the Director of Community Development. In addition to reporting the results

of individual employers, the TMO shall report cumulative PM peak hour trip generation for all employers and developments subject to the TDM requirements of this plan to the satisfaction of the Director of Community Development.

Multi-family dwelling unit owners shall not be included in a TMO. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2134: TRANSPORTATION MANAGEMENT STRATEGIES:

The following paragraphs describe some of the transportation management strategies which may be used by Media District firms and developers to reduce peak hour commute trips as required by this plan.

A. FLEX TIME AND MODIFIED WORK SCHEDULES.

Employers in the District may set up programs to modify the traditional 8:00 a.m. to 5:00 p.m. work schedules. An analysis of office requirements should be undertaken to determine what staff functions are best served before 8:00 a.m. and those that are needed after 5:00 p.m. to handle deliveries, late mail-outs, contact with the public, contacts with the East Coast, etc.

B. VANPOOL PROGRAMS.

District employers, with possible assistance from the TMO, can implement vanpool programs. Van procurement, vanpool matching and vanpool fare subsidies are all examples of incentives and services employers could offer employees in their vanpool programs.

C. CARPOOLS.

Employers may actively foster and monitor carpool formation. To encourage carpooling among its employees, the employer could provide matching information, free parking or preferential parking locations and other incentives to its employees to carpool. The TMO can assist employers in this effort. All employers who operate a carpool program will report program results to the TMO for its annual report to the City.

D. TRANSIT RIDERSHIP AND BUS OPERATIONS.

Employers and/or the TMO may choose to promote programs to increase public transportation ridership. Such programs can include: transit route and schedule information, individual route planning and on-site transit pass sales.

Employers may also provide transit shelters or actual shuttle connections to various public transportation centers to make commuting by public transportation more convenient.

E. SATELLITE PARKING.

Employers and/or the TMO may choose to provide required parking outside of the Media District at satellite locations linked to the District by reliable shuttle service. The Community Development Director shall approve applications for satellite parking according to procedures prepared by the Director. The Director's decision shall be appealable according to the provisions of the Development Review section of the Burbank Municipal Code.

The land costs to create satellite parking lots and structures could pose a significant hurdle to the use of this option. Consequently, a portion of the transportation fees charged to future development may fund land acquisition at the transit centers in Burbank's downtown and in the Golden State project area in order to assist those employers who can assign employees to park at these locations and take the shuttle into the Media District.

F. NON-VEHICULAR COMMUTING.

Employers may encourage employees to walk or bicycle to work by providing bike racks, showers, locker rooms and offering monetary incentives for these non-vehicular means of commuting.

G. PARKING MANAGEMENT.

Parking management includes various strategies in which parking policies and management are used as an incentive to rideshare or disincentive to commute alone. One of the simplest strategies is to provide carpools and vanpools with the most desirable parking spaces at a reduced rate or for free. A more comprehensive Parking Management program, however, might discourage driving alone through relatively high parking fees. Furthermore, instead of directly subsidizing parking costs, employers could offer Travel Allowances to their employees. The individual employees would have the option to decide whether to spend the Travel Allowance on parking or some other less expensive form of commuting such as carpooling, vanpooling or public transportation.

H. MERCHANT TRANSIT INCENTIVES.

Media District merchants can offer merchandise discounts, parking validation, transit coupons, valet parking for ridesharers, secure bike lockers or other incentives to customers who arrive by public transportation, in carpools, vanpools or by non-vehicular modes.

I. TELECOMMUTING.

Media District employers can institute telecommuting programs which allow certain employees to work at home or from off-site work centers at least one (1) or two (2) days a week. The Southern California Air Quality Management Plan proposes that telecommuting even one (1) or two (2) days a week could account for significant work trip reductions in the near future. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2135: EXISTING DEVELOPMENT:

As of January 1, 1991, firms employing more than 100 employees are already required by Regulation XV of the Air Quality Management District to submit and implement plans designed to achieve an average vehicular ridership (AVR) of 1.5, meaning 1.5 passengers per vehicle. The Air Quality Management Plan will eventually require all employers of 25 or more workers to achieve similar reductions. The Media District Overlay Zone makes similar requirements of these employers.

For the purpose of the Media District Overlay Zone, the trip reduction shall occur during the PM peak - from 4:00 p.m. to 6:00 p.m.

All firms with 25 or more employees shall report to the Burbank Media District TMO at least once per year on efforts made to reduce PM peak trips and the actual reduction achieved. The goal for all firms of 25 or more employees shall be a 9.5 percent reduction from the base rate in peak hour trips during the most recent five (5)-year period. The base rate is the

generation rate for the peak (4:00 p.m. – 6:00 p.m.) as established by the City with support of the Institute of Traffic Engineers Trip Generation or through other methods provided by the Overlay Zone to establish office equivalency.

If this incremental goal is achieved, TDM alone will have reduced PM peak-hour trips by 32 percent assuming an increment of 6.8 million OEGSF over the next 20 years. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2136: NEW DEVELOPMENT:

Applicants for new development housing firms with 25 or more employees shall, upon occupancy, achieve the reduction in peak hour trip generation required of pre-overlay zone development in the year the building is occupied. For example, ten (10) years after adoption of the Overlay Zone, existing firms will have reduced peak hour trips by 19 percent. Therefore, any new development of a 25-employee or greater firm must achieve a peak hour trip generation 19 percent lower than the base rates of the plan in the first year of occupancy. Thereafter, these new developments shall achieve the average 9.5 percent reduction over the past five (5)-year period in order to meet the 38 percent reduction goal by the year 2010.

If the Project Buildout projections are exceeded, any firm employing 25 or more employees shall achieve peak hour trip generation rates that are 38 percent below the base rates in the first year of occupancy. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2137: APPLICABLE DEVELOPMENTS:

Firms which employ fewer than 25 employees but are located on property owned and occupied by firms with over 25 employees will be treated as part of the larger firm and subject to the trip-reduction and reporting requirements of this plan.

Buildings receiving a building permit after the effective date of this plan which include 25,000 office equivalent gross square feet or more shall be subject to the same trip reduction and reporting requirements as any firm of 25 or more people. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2138: TDM COORDINATOR:

All employers or developments subject to the requirements of this plan shall have an on-site, trained transportation coordinator. This coordinator will be responsible for implementing all trip reduction efforts. [Added by Ord. No. 3224, eff. 2/16/91.]

10-1-2139: ENFORCEMENT:

The Overlay Zone allows individual employers and the Transportation Management Organization to select the means of reducing peak-hour trips that are most effective and appropriate. The City will not impose specific trip-reduction activities as long as these goals are being met as indicated in the annual reports from the Transportation Management Organization.

Should the annual reports indicate that the trip-reduction goals are not being met, the City may impose specific trip-reduction activities on employers individually or collectively and/or use the enforcement provisions of the Burbank Municipal Code to compel compliance with trip-reduction requirements. [Added by Ord. No. 3224, eff. 2/16/91.]

DIVISION 9. NOISE NOTIFICATION

10-1-2140: NOISE NOTIFICATION:

A. STUDIOS.

Written notice shall be given to the appropriate studio whenever any activity is proposed which may create noise levels which exceed 90 dB within 100 feet of studio property and shown in Figure 1. In addition, written notice shall be given of any activity involving jackhammers, and similar equipment which causes vibrations, within 500 feet of any studio. This notice shall be provided at least two (2) weeks in advance of the start of these activities. Permits for these activities shall not be granted without proof of this notice.

B. NEIGHBORS.

Studios shall provide appropriate advance notice to surrounding residents when studio activities have the potential to adversely impact adjacent neighborhoods.

Figure 1
Land Considered "Studio"

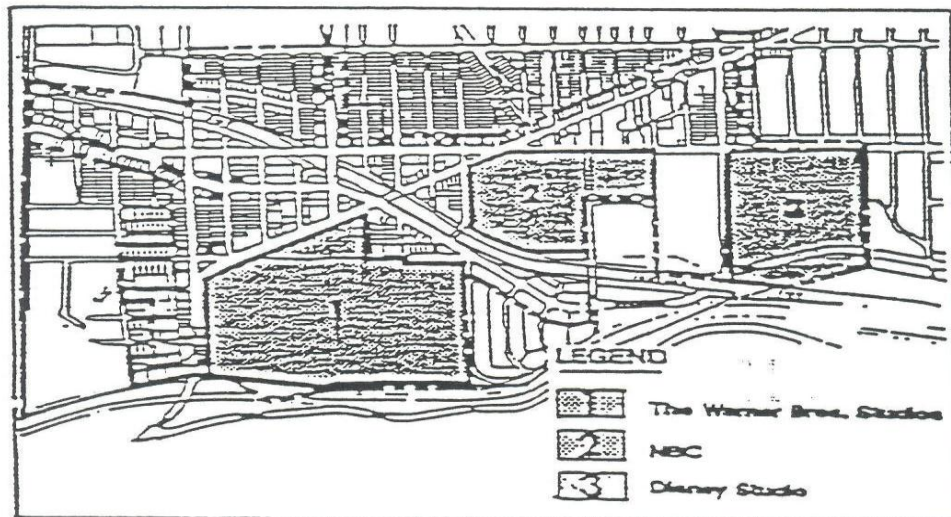


Figure 1. - Land considered 'Studio'

The Burbank Media District

[Added by Ord. No. 3224, eff. 2/16/91].

ARTICLE 22. COMMUNITY FACILITY FEES

DIVISION 1. GENERAL PROVISIONS RELATING TO FEES

10-1-2201: AUTHORIZATION:

This article is enacted pursuant to authority granted to cities by Article XI, Section 7 of the California Constitution and to ensure compliance with the provisions of Government Code Sections 66000 through 66017. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2202: APPLICABILITY:

This division applies to all development fees imposed by the City and as set forth in this article as a condition of issuance of certain permits required for development approval for the purpose of financing capital improvements, the need for which is attributable to such development, including without limitation:

- A. Transportation improvement fees;
- B. Library fees;
- C. Park and Recreation fees (except fees charged in lieu of park land dedication pursuant to Government Code Section 66477);
- D. Police fees; and
- E. Fire fees. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2203: EXEMPTIONS:

The provisions of this division do not apply to the following:

- A. Taxes or special assessments.
- B. Fees for processing development applications or approvals.
- C. Fees for enforcement of or inspections pursuant to regulatory ordinances.
- D. Fees collected under Development Agreements adopted pursuant to California Government Code Section 65864 et seq., except for Development Agreements which required Development Fees as enacted by this ordinance. However, in the event the aforementioned Development Agreements contain specific provisions which conflict with this article, the specific provisions in the Development Agreement shall be applied.
- E. Fees specified in California Government Code Section 66477.
- F. Fees collected pursuant to agreements with redevelopment agencies which provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community

Redevelopment Law [Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code].

G. Fees imposed pursuant to a reimbursement agreement by and between the City and a property owner or developer for that portion of the cost of a capital improvement paid by the property owner or developer which exceeds the need for the capital improvement attributable to and reasonably related to the development.

H. Fees imposed for the reconstruction of any residential, commercial, or industrial development project that is damaged or destroyed as a result of a natural disaster, as declared by the Governor. Any reconstruction of real property, or portion thereof, which is not substantially equivalent to the damaged or destroyed property, shall be deemed to be new construction and only that portion which exceeds substantially equivalent construction may be assessed a fee. The term substantially equivalent, as used herein, shall have the same meaning as the term in Subdivision (c) of Section 70 of the Revenue and Taxation Code, and as amended.

I. Fees imposed on Low and Moderate Income Housing Projects in accordance with the Density Bonus law.

J. Fees imposed on unique land uses primarily devoted to hospitals, churches, educational facilities, youth and recreational facilities, and other community uses which serve the public, similar to those listed, as determined by the City Planner.

K. Fees imposed on applicants who have a valid building permit on the effective date of this ordinance, except those who were required to pay these development fees as a condition of approval to build. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2204: DEFINITIONS:

For purposes of this article and any resolution adopted to implement development fees imposed by this article, the words and terms defined herein shall have the meanings stated, unless another meaning is plainly intended. To the extent that terms utilized in this article are not defined herein, but are defined elsewhere in Title 10 of the Municipal Code of the City of Burbank, such terms shall have the meanings stated therein.

BENEFIT AREA: Means the geographic area within which development fees are collected and expended for a particular type of capital improvement serving development projects within such area.

CALCULATE: Means to determine the amount of development fees to be collected based on the need for capital improvements related to a particular development project.

CAPITAL IMPROVEMENTS: Means public improvements, such as land and/or facilities for transportation and transit, including but not limited to streets and supporting improvements, roads, over-passes, bridges, and related facilities; for parks and recreation; police; fire; and library facilities identified in the City's master plans.

CAPITAL IMPROVEMENT PLAN: Means the five (5)-year plan for capital improvements adopted or updated annually by the City Council describing the approximate location, size, time of availability and estimated cost of and appropriating money for capital improvement projects.

CAPITAL IMPROVEMENT PROJECT LIST: Means the list attached to the annual Council resolution setting the base fee amount for a specific impact fee. The list shall describe the approximate location, size, time of availability and estimated cost of each capital improvement to be funded from a particular development fee account.

CERTIFICATE OF OCCUPANCY: Means the official City certification, that all or a portion of the building, structure or addition is suitable for use or occupancy. For purposes of this article, certificate of occupancy shall refer to the earlier of, issuance of a certificate of occupancy for use or occupancy of all or a portion of the building by a tenant, owner or occupant.

CITY OF BURBANK COMMUNITY FACILITIES STUDY (Dec., 1992./ CITY OF BURBANK DEVELOPMENT IMPACT FEE REPORT (Dec., 1992.: Collectively means the studies prepared by the Community Development Department of the City of Burbank incorporating Recht Hausrath and Associates' assessment and analysis of the Burbank Capital Facilities for non-transportation facilities, and which forms the basis for public facilities improvements and plans for police, fire, library, and parks and recreation facilities related to new development.

COLLECTION: Means the point at which the development fee due is actually paid over to the City.

COMMITMENT: Means earmarking of development fees to fund or partially fund or to retire debt issued for the funding of capital improvements serving new development projects.

COMMUNITY FACILITIES FEES: Collectively means the transportation improvement fee, the fire fee, the police fee, the library fee, and the parks and recreation fee.

DEMAND: Means the portion of transportation capacity that new development will consume measured in PM peak hour trips.

DEVELOPMENT: Means the addition of new dwelling units and/or new non-residential gross floor area footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit or certificate of occupancy for such construction, reconstruction or use, but not including (i) a permit to operate; (ii) a permit for the internal alteration, remodeling, rehabilitation, or other internal improvements or modifications to an existing structure, so long as no additional dwelling units or gross floor area is added; (iii) an accessory use, so long as no additional dwelling units or gross floor area is added, or (iv) parking facilities.

DEVELOPMENT FEE: Means a monetary exaction imposed as a condition of or in connection with the issuance of an approval of a development project for the purpose of defraying all or a portion of the cost of certain capital improvements related to the development project.

DEVELOPMENT PROJECT: Means any project undertaken for the purpose of development, including a project involving the issuance of a permit for construction of a building or structure. However, development project does not include the issuance of a permit to operate.

FIRE FEE: Means a monetary exaction imposed as a condition of development approval in order to fund and to assure the provision of fire stations needed to serve such development at established City service level standards within a reasonable period of time.

GROSS FLOOR AREA: Shall mean the total horizontal area of all floors beneath the roof of a building. The computation excludes the columns, permanent interior walls, stair shafts, mechanical equipment rooms that serve the building as a whole (offices only) and the area actually occupied by parking. The computation includes corridors, bathrooms, interior partitions which are not permanent or anything else not excluded above.

IMPOSITION: Means the determination that a particular development project is subject to the condition of payment of development fees and the attachment of such requirement to the project as a condition of development approval.

ITE TRIP GENERATION MANUAL: Means and refers to the report entitled Trip Generation (Fourth Edition-1987) of the Institute of Traffic Engineers, or as subsequently updated.

LEVEL OF SERVICE (LOS): Means an indicator of the extent or degree of service provided by, or proposed to be provided by, a transportation improvement based upon the relationship of traffic volume to road capacity and related to the operational characteristics of the road as measured by standards set forth in the Highway Capacity Manual.

LIBRARY FEE: Means a monetary exaction imposed as a condition of development approval in order to fund and to assure the provision of library space needed to serve such development at established City service level standards within a reasonable period of time.

NONRESIDENTIAL DEVELOPMENT PROJECT: Means all development other than residential development projects.

NON-TRANSPORTATION COMMUNITY FACILITIES FEE: Shall mean collectively the fire fee, the library fee, the police fee, and the parks fee.

PARK FEE: Means a monetary exaction imposed as a condition of development approval in connection with a development project in order to fund and to assure the provision of park land and recreation improvements needed to serve such development at established City service level standards within a reasonable period of time.

PM PEAK HOUR: Means the one (1) hour period of time between 4:00 p.m. and 6:00 p.m., when the development generates the maximum number of trips.

PM PEAK HOUR TRIPS: Means the total number of trips generated by a development during the PM peak hour.

POLICE FEE: Means a monetary exaction imposed as a condition of development approval in order to fund and to assure the provision of police stations needed to serve such development at established City service level standards within a reasonable period of time.

RESIDENTIAL DEVELOPMENT PROJECTS: Means any development undertaken for the purpose of creating a new dwelling unit, as defined in this chapter or units and involving the issuance of a building permit for construction.

STREETS AND ROAD STUDY: Which collectively with the "City of Burbank Development Transportation Fees, Technical Report" (November, 1992) form the basis for travel demand forecasts and transportation improvement plans due to new development and is incorporated in the "Transportation Funding Strategy Nexus Summary".

TRANSPORTATION IMPROVEMENT FEE: Means a monetary exaction imposed as a condition to the issuance of certain permits required for development approval in order to fund and to assure the provision of transportation facilities needed to serve such development at established City service level standards within a reasonable period of time.

TRANSPORTATION IMPROVEMENT PLAN: Means the identification, listing, cost and prioritization of transportation improvements necessary to meet travel demand forecasts through the year 2010 while maintaining the City's adopted level of service standard for transportation. The Transportation Improvement Plan is contained in the "City of Burbank Development Transportation Fees, Technical Report" (November, 1992).

TRANSPORTATION FUNDING STRATEGY NEXUS SUMMARY: Means that document prepared by the Community Development Department of the City of Burbank incorporating the "City of Burbank Development Transportation Fees, Technical Report" (November, 1992) performed for the City by Emerson and Associates; Planning Company Associates; and Crain and Associates, Inc., and the "Streets and Road Study", which form the basis for travel demand forecasts and transportation improvement plans for the City and portion thereof attributable to new development. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2205: ESTABLISHMENT OF FEE; HEARING REQUIRED:

Development fees shall be established by resolution or ordinance of the City Council from time to time, fixed for each benefit area, if applicable, and to be paid into each development fee account. Before establishing or changing any development fee, the Council shall hold a public hearing as part of a regularly scheduled meeting and pursuant to notice published in accordance with Section 6062a of the Government Code, at which oral or written presentations may be made by interested parties. An ordinance or resolution establishing a new development fee shall take effect no sooner than 60 days following the final action by the City on the ordinance or resolution. Development fees shall not exceed the estimated reasonable cost of providing the facility for which the fee or exaction is imposed. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2206: FEE PAYMENT PROCEDURE:

A. IMPOSED ON DEVELOPMENT PROJECTS.

Development fees established in accordance with the article shall be imposed on all Development Projects which require a building permit.

B. CALCULATION AND COLLECTION.

Development fees on non-residential projects, if imposed, shall be calculated and collected by the Building Official at the time, and as a requirement to issuance of a building permit, based on the development fee then in effect unless:

- (i) the applicant is entitled to a full credit pursuant to Section 10-1-2211; or
- (ii) the applicant's development project is exempt pursuant to Section 10-1-2203; or
- (iii) the applicant has taken an appeal pursuant to Section 10-1-2213 and a cash deposit, letter of credit, bond or other surety in the amount of the development fee schedule, as calculated by the Building Official, has been posted with the City; or
- (iv) the applicant has requested the City Council to approve a payment plan pursuant to Section 10-1-2213, and a cash deposit, letter of credit, bond or other surety in the amount of the development fee schedule, as calculated by the Building Official, has been posted with the City. In order to have a payment plan considered, the applicant shall submit the request pursuant to Section 10-1-2213; or
- (v) the applicant's development project is outside of the Media District and subject to the Economic Development Credit Pool pursuant to Section 10-1-2212.

C. RESIDENTIAL FEE.

Development fees, if imposed on residential development, shall be calculated and collected by the Building Official at the time of the final inspection (if a certificate of occupancy is not issued, e.g. additions) or the date the certificate of occupancy is issued. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2207: AUTOMATIC ADJUSTMENT:

Fees imposed by this article shall automatically be adjusted annually on the first day of July each year beginning July 1, 2007, by an adjustment as set forth below in this section.

A. ANNUAL ADJUSTMENT.

The annual adjustment shall be made by adjusting all the current fees required in this article by a percentage equal to the inflation rate for the prior year for construction costs as determined by the Building Official on December 31st of each calendar year. The Building Official's determination shall be based upon the Engineering News Record, Construction Cost Index for the calendar year as of December 31st.

B. EXCEPTION-ACTION BY COUNCIL.

Nothing in this section shall prevent the Burbank City Council from making fee adjustments greater or less than indicated by the above calculation. An automatic adjustment, as provided for in Subsection (A), shall not become effective until the 31st day after the Building Official has provided Council with written notification of such adjustment. The Building Official shall file with the City Clerk, a certification, in a form approved by the City Attorney, demonstrating compliance with this subsection. [Added by Ord. No. 3340, eff. 6/14/93; Amended by Ord. No. 3733, eff. 12/21/07.]

10-1-2208: DEVELOPMENT FEE ACCOUNTS AND AUDITS:

A. SEPARATE ACCOUNT.

The City shall deposit development fees received with other fees for the same type of capital improvement in a separate capital improvement account in a manner to avoid any commingling of the fees with other City revenues and funds, except for temporary investments, and shall expend the fees solely for the purpose for which they were collected.

B. INTEREST.

Any interest income earned by money in the capital improvement account shall also be deposited in that account and expended only for the purpose for which the fees were collected.

C. USE OF FUNDS.

The funds of each account shall be expended within the benefit area and shall be used exclusively for the capital improvements for which the development fees were collected.

D. ANNUAL STATEMENT OF ACCOUNT BALANCES BY FINANCE DIRECTOR.

For each separate development fee account, the City's Financial Services Director shall, within 60 days of the close of each calendar year, make available to the public the beginning and ending balance for the calendar year and the fee, interest, and other income and the amount of expenditure by capital improvement and the amount of refunds made during the calendar year.

E. ANNUAL REVIEW OF STATEMENT BY CITY COUNCIL.

The City Council shall review the information referred to in Subsection (D) of this section at the next regularly scheduled public meeting held not less than 15 days after the information is made available to the public.

F. AUDITS.

The applicant or property owner may request an audit of any subfund by submitting a request for audit with the City Clerk, to determine whether the development fee imposed exceeds the amount reasonably necessary to finance capital improvements to serve new development at established City service levels. The Council may then retain an independent auditor who shall determine whether the fee is reasonable. The City may require, and it shall be a condition to the right to such audit, that the applicant or property owner deposit with the City a sum equal to the reasonable estimated cost of the audit. The decision of the independent auditor shall be final unless duly appealed to the Council by the property owner or applicant. [Added by Ord. No. 3340; Amended by Ord. No. 3462, eff. 5/3/97.]

10-1-2209: USE OF DEVELOPMENT FEE PROCEEDS:

A. PERMITTED EXPENDITURES.

Development fees shall be expended only for the type of capital improvement for which they were imposed, calculated, and collected and shall be expended or committed in accordance with the time limits and procedures established in this article. Development fees may be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements; and any administrative costs incurred by the City in accordance with this article.

B. RESTRICTIONS ON USE OF FEE.

Development fees shall not be expended to maintain, repair or operate capital improvements. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2210: REFUNDS:

A. UNSPENT FUNDS: AUTOMATIC REFUND.

If development fees are unexpended or uncommitted five (5) or more years after deposit in a development fee account, the City Council shall make findings once each fiscal year to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. Such findings need be made only for money in possession of the City, and not for letters of credit, bonds or other instruments taken to secure payment of the fees at a future date.

(i) Refunds. If the City Council cannot make the aforementioned findings, the City shall refund to the then current record owner or owners of lots or units of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, which has been on deposit over five (5) years and for which need cannot be demonstrated pursuant to Subsection (A).

(ii) Finding by Council not to Refund. If the City Council finds that the administrative costs of refunding unexpended or uncommitted development fees exceed the amount to be refunded, the City Council, after a public hearing, notice of which shall be published in accordance with Government Code Section 6061 and posted in three (3) prominent places within the area of each development project subject to a refund, may determine that the revenues shall be allocated for other capital improvements for which development fees are collected and which serve the development projects on which the fee was originally imposed.

(iii) Method of Refund. The City may refund the unexpended or uncommitted portions of development fees by direct payment, by temporarily suspending fees, by offsetting the refunds against other development fees due for development projects on the property, or by other means agreed to by the property owner. The property owner shall provide as evidence of ownership, a title report issued by a licensed title insurer. If, in the view of the City Attorney, there is doubt as to whom such refund shall be made, the City Attorney may interplead the possible claimants and deposit the amount of refund with the Superior Court.

B. OTHER REFUNDS.

In the event that an applicant requests a refund due to reasons not set forth in this section, the applicant shall submit a claim for refund with the City Clerk who then shall forward the request to the City Council for action. The time period to file a claim pursuant to this provision shall be limited to one (1) year after the termination, expiration, or other action which ends the use of the valid building permit. [Added by Ord. No. 3340, eff. 6/14/93; Amended by Ord. No. 3780, eff. 5/28/10.]

10-1-2211: CREDITS:

A. DEMOLITION CREDIT.

1. Eligibility. Any applicant who requests a building permit for a development project on property which has had improvements demolished since January 1, 1990, may request a demolition credit in accordance with this section. The applicant shall establish the amount of square footage which has been demolished from his/her property since January 1, 1990, and shall have allocated to the property the appropriate credit for the demolished portion of the property based on the previous use.

2. Amount. The applicant shall submit to the Building Official proof of the square footage demolished on the property since January 1, 1990. The Building Official shall calculate the Development Fee credit which that property shall be allocated.

3. Request in writing. Credit requests shall be made in writing and shall be submitted at or before the time of development fee collection. The request shall contain a declaration of those facts along with the relevant documentary evidence which qualifies the applicant for the credit.

4. Demolition credit runs with the property. Any credit unused by the applicant when applied towards any Development Fee shall remain available for future credit solely for future development on that same property. In no event may the credit be used for development on property other than the property where the demolition occurred.

5. No participation in credit pool if demolition credits exist. All demolition credits shall be used prior to any participation in the Economic Development Credit Pool in Section 10-1-2212 below.

B. IN-LIEU CREDIT.

1. Eligibility. Any applicant subject to a Development Fee pursuant to this article who constructs, escrows money with the City for the construction of, agrees to participate in an assessment district for the construction of, or who otherwise contributes funds for capital improvements, may be eligible for a credit for such contribution against the development fee otherwise due.

2. Amount. Eligibility for, and the amount of, the credit shall be determined by the City Manager, or his designee, based upon whether the contribution meets capital improvement needs for which the particular development fee has been imposed; whether the developer contribution will substitute for or otherwise reduce the need for capital improvements anticipated to be provided with development fee funds; and the value of the developer contribution. Any improvements specified in the "Transportation Funding Strategy Nexus Summary" or the "City of Burbank Community Facilities Study" (Dec., 1992)/ "City of Burbank Development Impact Fee Report" (Dec., 1992) shall be eligible for an in-lieu credit.

3. Request in writing. Credit requests shall be made in writing prior to the initiation of any bidding or construction of the improvements to the City Manager or his designee and shall be submitted at or before the time of development fee collection. The request shall contain a declaration of those facts along with the relevant documentary evidence which qualifies the applicant for the credit.

4. City to prepare plans; approval by Council. Upon the concurrence and approval of the City Manager or his designee, that the improvements are eligible for in-lieu credit, the City may prepare plans and specifications for the design and construction of said approved improvements, or may request the applicant to prepare them. The plans and specifications, whether prepared by the City or the applicant, shall be approved by Council as well as any environmental assessment under the California Environmental Quality Act. Upon approval by Council, the City shall deliver such plans to the applicant, who shall cause the construction to be performed in accordance with such plans and specifications.

5. Construction restrictions; insurance. The applicant shall abide by public bidding and construction requirements which apply to governmental entities, some of which are set forth in Title 2 Chapter 2 of the Burbank Municipal Code. The applicant shall enter into all contracts with the contractor and through these contracts require insurance in the amounts required through the excavation permit provisions of Section 7-1-203, and as amended from time to time, and the City shall be named as an additional insured on all such insurance during construction. Except to the extent of the negligent or intentional acts of omissions of the City, its agents, or employees, the City shall have no liability towards the applicant or contractor, and each shall indemnify and hold City harmless for all liability incurred during the construction, and for all liability or stop notices submitted to the City by contractors providing labor or materials to such work prior to the final payment by the applicant.

6. Faithful performance and payment bond or other security required. The applicant shall further provide the City with performance and payment bond, or other adequate security, equal to 100 percent of the contract amount for the improvements, to assure that the improvements shall be completed. Such bonds, or other security, shall be in a form acceptable to and approved by the City Attorney. The security herein shall be released 30 days after the Notice of Completion has been recorded.

7. Credit issued upon completion and acceptance by City. Upon completion, approval, and acceptance of the improvements by the City, a Notice of Completion shall be recorded by the City, and the applicant shall be credited by written documentation by the City Manager or his/her designee for the actual cost of the construction contract(s) upon proper documentation by the applicant. In the event the applicant, at the City's request, performs any design or engineering services in connection with such improvements, said credit shall include the actual cost to the applicant of such services.

8. Credit from same category of fees. The credit shall be applied against the applicant's obligation to pay developer fees from the same category.

C. CALCULATION AND ANNUAL INCREASE OF DEMOLITION CREDIT AND IN-LIEU CREDIT.

The exact amount of the credit in the year it is granted shall be based upon actual costs approved by the City Manager or his/her designee in accordance with this section. Each credit listed in this section which exceeds the Development Fee required shall remain available to be applied to future Development Projects as specified in this section. After determining the value of the credit, the value of any unused credits shall be increased annually in accordance with Section 10-1-2207. No credits shall be cashed out by the City.

D. ACCOUNTING OF CREDITS.

The Community Development Director, or his designee shall be responsible for maintaining an accounting for the credits issued pursuant to this section, and Section 10-1-2212. [Added by Ord. No. 3340; Amended by Ord. No. 3462, eff. 5/3/97.]

10-1-2212: ECONOMIC DEVELOPMENT CREDIT POOL:

A. LIMITATION OF APPLICABILITY OF SECTION 10-1-2212.

Only development projects that have received Development Review approval as of January 23, 1999, the effective date of Ordinance No. 3505, may participate in the Economic Development Credit Pool in accordance with this section. Any project that has not received Development Review approval, or let Development Review approval lapse, as of that aforementioned effective date, is no longer entitled to participate in the credit pool as a matter of right in accordance with Subsections (B)-(F) herein. Application for participation in the credit pool as to new development projects outside a redevelopment project area may be made to the City Planner for consideration by the City Council. Special consideration may be provided for new projects located in the Magnolia Park area. Application for participation in the credit pool as to new development projects inside a redevelopment project area may be made to the Assistant Executive Director of the Redevelopment Agency of the City of Burbank for consideration by the Redevelopment Agency Board.

B. TRANSPORTATION IMPROVEMENT FEE-ECONOMIC DEVELOPMENT CREDIT POOL FOR DEVELOPMENT PROJECTS LOCATED OUTSIDE OF THE MEDIA DISTRICT.

Due to the urgent need to encourage and stimulate new development to offset the loss of thousands of jobs since 1990, an Economic Development Credit Pool of Four Million Seven Hundred Ninety Two Thousand Dollars (\$4,792,000) was appropriated in furtherance of Ordinance No. 3340 in 1993, whereby the first Four Million Seven Hundred Ninety Two Thousand (\$4,792,000) of development fees otherwise payable for development projects, initially outside the Media District, and later limited to the definition in Subsection (C), shall not be collected. Upon the depletion of the Economic Development Pool, all projects subject to the fee shall pay the required fee.

C. NON-TRANSPORTATION FEE-ECONOMIC DEVELOPMENT CREDIT POOL FOR DEVELOPMENT PROJECTS LOCATED OUTSIDE OF THE MEDIA DISTRICT.

Due to the urgent need to encourage and stimulate new development to offset the loss of thousands of jobs since 1990, an Economic Development Credit Pool of One Million One Hundred Fifty Eight Thousand (\$1,158,000) was appropriated in furtherance of Ordinance No. 3340 in 1993, whereby the first One Million One Hundred Fifty Eight Thousand (\$1,158,000) of development fees otherwise payable for development projects, initially outside the Media District, and later limited to the definition in Subsection (C), shall not be collected, except for a partial credit allotted to the Parks Fee. As long as the economic pool is in existence, there shall be a partial parks fee imposed on all residential development of \$150.00/bedroom which is not covered by the credit pool. Upon the depletion of the Economic Development Pool, all projects subject to the fee shall pay the required fee.

D. DEFINITION OF DEVELOPMENT PROJECT.

For purposes of this section, development projects eligible for the credit pool must meet all of the following criteria:

1. Geographical limitation. Eligible projects are those located within any Redevelopment Project Area (except West Olive Project Area and except Airport-zoned property in the Golden State Project Area).

2. Size limitations. The first 100,000 gross square feet of any commercial development project and the first 250,000 gross square feet of any industrial development project is the maximum size of an eligible development project.

3. Separate Parcels. Only one (1) development project may exist on any one (1) parcel.

4. No residential projects; exception. No residential projects, except Low and Moderate Income Housing projects meeting applicable state law requirements, may use the credit pool.

E. APPEAL OF DETERMINATION OF ELIGIBILITY FOR CREDIT POOL.

Any decision about the eligibility of participating in the credit pool can be administratively appealed to the Community Development Director by submitting the grounds in writing within five (5) days of the determination. Any further appeals can be pursued in accordance with Section 10-1-2213.

F. ADDITIONAL ELIGIBILITY DETERMINATION BY COUNCIL.

As to any development projects not otherwise eligible for the credit pool, the Council may determine that it is in the best interests of the City to permit certain other development projects to participate in the credit pool. [Added by Ord. No. 3340; Amended by Ord. No. 3505, eff. 1/23/99; 3462.]

10-1-2213: APPEALS AND FINANCING REQUEST:

A. APPEAL TO CITY COUNCIL.

The applicant may appeal any decision of a City Official under this article to the City Council or seek a reconsideration by the Council of a refund issue, including, but not limited to, calculation of the amount of the development fee, the number of development units, reimbursement due, applicability of an exemption, and eligibility for and amount of a credit or refund. Any request for special financing of the development fees may be made to the Council by filing a notice of appeal with the City Clerk in accordance with this appeals process. As part of the request for financing process, the applicant shall be required to provide adequate security in the amount of the development fees required for the development project.

B. WRITTEN NOTICE OF APPEAL.

The appellant must file a written notice of appeal together with an appeals fee as set forth in the Fee Resolution and as amended from time to time, with the City Clerk within ten (10) days following the action of the City Official that is the basis of the appeal. The notice of appeal shall include, at a minimum:

1. Name and address of applicant/agent.
2. Description, location and size of the affected property.

3. Land use proposed for the affected property.
4. Number of residential units proposed, by type and/or number of square feet of non-residential development by type.
5. The particular circumstances giving rise to the appeal.
6. The City Official whose action is being appealed.
7. The grounds for the appeal, i.e., why the City Official's decision is erroneous.
8. Such other relevant information as may be requested by the City.

C. BURDEN OF PROOF.

The burden of proof shall be on the appellant to establish that the decision of the City Official is erroneous pursuant to the express terms or intent of this article and applicable State law, including, but not limited to Government Code Section 66000 et seq.

D. HEARING.

The City Council, or a designated official or appeals board which may be appointed by Council at a public meeting by resolution, shall schedule the appeal to be heard at a regular or special meeting to be held not more than 45 days after the filing of the notice of appeal by the appellant. At least 20 days prior to the hearing date, the City shall notify the appellant of the hearing date by certified mail, return receipt requested, at the address stated on the notice of appeal.

E. ADMINISTRATIVE HEARING.

The hearing on the appeal shall be administrative. Evidence may be submitted by the appellant and by the City. The City Council shall make written findings of fact and conclusions of law after the close of the hearing. However, if it is determined from the notice of appeal or from relevant City documents that the appeal is improper, the City, within 20 days after receipt of the notice of appeal, shall reject the notice of appeal, stating the grounds therefor and notifying the appellant by certified mail, return receipt requested.

F. CONTINUANCE.

A request for a continuance of the hearing may be made by the City Council on its own motion or at the request of the appellant. If requested by the appellant, the City Council shall determine whether a continuance should be granted.

G. DECISION.

Within 30 days after the close of the administrative hearing, the City Council shall render its decision, in writing, and notify the applicant of such decision by certified mail, return receipt requested, at the address listed on the notice of appeal.

H. FINDINGS.

The findings of fact and conclusions of law shall be completed not later than ten (10) days following the decision of the City Council and shall be filed with the City Clerk. Upon the request of the applicant, the findings of fact and conclusions of law shall be sent to the applicant.

I. FINAL DECISION.

Upon the filing of the findings of fact and conclusions of law with the City Clerk, the decision of the City Council shall be deemed to be final.

J. FURTHER REVIEW.

Any petition for judicial review of the City Council's final decision shall be filed not later than the 90th day following the date on which the decision becomes final, and shall be made in accordance with Sections 1094.5 and 1094.6 of the Code of Civil Procedure.

K. FEE NOT STAYED PENDING APPEAL OR REQUEST FOR FINANCING.

If the development fee has been paid in full or if the notice of appeal or request for financing is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney, in an amount equal to the development fee calculated to be due, the application for development project approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the development fee calculated by the City to be due unless sufficient and acceptable surety has been provided.

L. WAIVER OR REDUCTION OF FEE.

If, as a result of an appeal pursuant to this section or judicial review pursuant to Section 11-1-88.15, a development fee is reduced or waived, the City Council may determine whether and how such reduction or waiver may affect the development fee calculation methodology. If the City Council determines that capital improvement needs are correspondingly reduced, the City Council may amend the Capital Improvement Plan, the applicable master plan, the development fee calculation methodology, the applicable development fee, or take such other action as it may deem appropriate. If the City Council determines that capital improvement needs remain the same, the City Council shall appropriate funds in an amount equal to the reduction or waiver of the development fee and shall deposit same to the applicable development fee account or take such other action as it may deem appropriate. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2214: PROTESTS/JUDICIAL REVIEW:

A. JUDICIAL REVIEW.

An applicant may seek judicial review of:

1. A final decision by the City Council on an administrative appeal, pursuant to Section 10-1-2213.
2. The adoption, by resolution or ordinance, of a new development fee or the amendment of an existing development fee or the automatic adjustment of development fee if such adjustment results in a fee increase, pursuant to this section and Government Code Section 66022.
3. The imposition of a development fee as a condition of development approval, pursuant to this section and Government Code Section 66020.

B. TIME PERIODS.

The applicable time periods for and conditions precedent to the filing of an action for judicial review are:

1. Appeal from a final decision of the City Council - not later than the 90th day following the date on which the decision becomes final.

2. Adoption of development fee ordinance or amendment - not later than the 120th day following the effective date of the ordinance or resolution. However, if the development fee has been directly imposed as a condition of development approval and is challenged as a special tax, the appellant must, at least 30 days prior to initiating legal action, request that the City provide the documents which establish that the development fee does not exceed the cost of the capital improvements for which it is imposed. The requirement for this request is a condition precedent to an action challenging the development fee as a special tax, but does not alter the applicable time period for filing an action for judicial review of the fee ordinance or amendment, pursuant to Government Code Section 66024.

3. Imposition of the development fee as a condition of development approval - if a protest is timely filed pursuant to this section and Government Code Section 66020, not later than the 180th day after the date of imposition; if a protest is not timely filed pursuant to this section and Government Code Section 66020, not later than the 90th day following imposition.

C. IMPOSITION OF A FEE.

Any party may protest the imposition of a development fee pursuant to Government Code Sections 66020 and 66021.

1. If payment of the development fee has been imposed as a condition of development project approval, the protest shall be filed at the time of such approval or conditional approval of the proposed project.

2. If the development fee has been calculated and payment is now required, the protest shall be filed within 90 days after the date of collection.

3. A valid protest must meet both of the following requirements.

(a) The applicant must tender any required payment in full or provide evidence satisfactory to the City Attorney of arrangements to ensure performance of the conditions necessary to meet the requirements of the imposition.

(b) The applicant must serve written notice on the City Council, which notice shall contain (i) a statement that the required payment is tendered, or that any conditions which have been imposed are provided for or satisfied, under protest; and (ii) a statement informing the City Council of the factual elements of the dispute and the legal theory forming the basis of the protest.

4. If a valid and timely protest is filed by an applicant, the City Council shall schedule a hearing date, at a regular or special meeting, not more than 45 days after the filing of the protest. The City shall notify the protestant of the hearing date by certified mail, return receipt requested, at the address listed on the protest petition at least 20 days prior to the hearing date. However, if it is determined from the protest petition or from relevant City documents that the protest is improper, the City, within 20 days after receipt of the protest petition, shall reject the protest petition, stating the grounds therefor and notifying the protestant by certified mail, return receipt requested.

5. The hearing of the protest shall be administrative. Evidence may be submitted by the protestant and by the City. Testimony shall be under oath. The City Council shall make written findings of fact and conclusions of law after the close of the hearing.

6. A request for continuance of the hearing may be made by the City Council on its own motion or at the request of the protestant. If requested by the protestant, the City Council shall determine whether a continuance should be granted.

7. Within 30 days after the close of the administrative hearing, the City Council shall render its decision, in writing, and notify the applicant of such decision by certified mail, return receipt requested at the address listed on the protest petition.

8. The findings of fact and conclusions of law shall be completed not later than 15 days following the decision of the City Council and shall be filed with the City Clerk. Upon the request of the applicant, the findings of fact and conclusions of law shall be sent to the applicant.

9. Upon the filing of the findings of fact and conclusions of law with the City Clerk, the decision of the City Council shall be deemed to be final.

10. Any petition for judicial review of the City Council's final decision on the protest shall not be filed not later than the 90th day following the date on which the decision becomes final, and shall be made in accordance with Sections 1094.5 and 1094.6 of the Code of Civil Procedure. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2215: EFFECT OF DEVELOPMENT FEES ON ZONING AND SUBDIVISION REGULATIONS:

This article shall not affect in any manner the permissible uses of property, density or intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to zoning ordinances, subdivision ordinances or other ordinances or regulations of the City. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2216: DEVELOPMENT FEES AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENTS:

Specific development fees imposed by Article 22 of the Burbank Municipal Code reflect a development's proportionate share of the cost of providing improvements necessary to meet demands created by such development at established City service level standards. As such, development fees are additional and supplemental to, and not in substitution of, either onsite improvement requirements or off-site improvement requirements imposed by the City pursuant to zoning, subdivision or other ordinances and regulations. [Added by Ord. No. 3340, eff. 6/14/93.]

DIVISION 2. COMMUNITY FACILITIES-TRANSPORTATION IMPROVEMENT FEE

10-1-2217: SHORT TITLE:

This division shall be known as the Community Facilities-Transportation Improvement Fee. The fees imposed pursuant to this division shall be known as the Transportation Improvement Fee. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2218: PURPOSE:

A Transportation Improvement Fee is hereby imposed on new non-residential development in the City of Burbank for the purpose of assuring that the transportation level of service goals of the City as set forth in the "Transportation Funding Strategy Nexus Summary" are met with respect to the additional demands placed on the transportation system by traffic generated from such development. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2219: BENEFIT AREA/RESIDENTIAL EXCLUDED:

This Transportation Improvement Fee shall be applicable to all new development in the City of Burbank, except residential dwelling units. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2220: TRANSPORTATION IMPROVEMENT FEE REQUIREMENTS AND AMOUNT:

All non-residential development shall be required to pay a Transportation Improvement Fee in accordance with Section 10-1-2206. The Transportation Improvement Fee by per gross floor area (hereafter "g.f.a.") of land use and, where relevant, by location, is hereby established to be as follows:

Land Use Type	Transportation Improvement Fee
RESIDENTIAL (City-Wide)	Not applicable
NON-RESIDENTIAL (City-Wide) Office	
0 to 40,000 gfa	\$4.00
40,000 to 100,000 gfa	\$4.00
100,000 to 500,000 gfa	\$4.00
over 500,000 gfa	\$3.27
Medical Office/gfa	\$4.00
Retail	
0 to 26,000 gfa	\$4.00
26,000 to 40,000 gfa	\$4.00
40,000 to 250,000 gfa	\$4.00
over 250,000 gfa	\$4.00
Manufacturing/gfa	\$2.19
Warehouse/gfa	\$2.16
Institutional/gfa	\$4.00

Studio Uses	
Office/gfa	\$3.42
Technical/gfa	\$2.28
Stage/gfa	\$1.14

(For automatic adjustment section, see Section 10-1-2207.) [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2221: CALCULATION OF TRANSPORTATION IMPROVEMENT FEE:

The Building Official shall calculate the amount of the applicable Transportation Improvement Fee due at the time specified in Section 10-1-2206 based upon the applicable impact rate as specified herein.

The Building Official shall calculate the amount of the applicable Transportation Improvement Fee due by determining the gross floor area, type of use and location in a non-residential development, and multiplying the same by the Transportation Improvement Fee amount as established herein.

The Building Official shall be responsible for determining the use type of the proposed development. If the Building Official determines that a proposed development is not in one of the use classifications included in the fee resolution, or, if the applicant submits relevant information and documentation acceptable to the Building Official demonstrating that the proposed development is not in one of the use classifications included in the fee resolution or is a mixed use, the Building Official shall:

A. Determine whether the proposed development has trip generation characteristics similar to a listed use classification;

B. If so, that use classification shall be used in calculating the appropriate Transportation Improvement Fee;

C. If not, the Building Official shall identify the trip generation characteristics of the proposed development and, utilizing the ITE Trip Generation Manual, assign the proposed use to the most similar land use type listed in the manual.

D. If there is no similar land use types listed in the ITE Trip Generation Manual, the Building Official may request that the applicant perform, at his own expense, a trip generation study or may utilize other statistically valid trip generation data applicable to the proposed use. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2222: ESTABLISHMENT OF TRANSPORTATION IMPROVEMENT FEE ACCOUNT:

The City hereby establishes a segregated Transportation Improvement Fee Subfund (hereafter "Subfund") to which all Transportation Improvement Fees collected by the Building Official shall be deposited in accordance with this section, and in accordance with Section 10-1-2208. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2223: LIMITATION ON USE OF FUNDS DERIVED FROM TRANSPORTATION IMPROVEMENT FEES:

Funds derived from payment of Transportation Improvement Fees pursuant to this article shall be placed in the Subfund and shall be used solely and exclusively for the purpose of funding transportation improvements and as identified in the "City of Burbank Development Transportation Fees, Technical Report" (November, 1992). These funds shall not be used for the provision of roadway or transit improvements relating to (i) the needs of existing City residents; (ii) the enhancement of transportation improvements to provide a higher level of service to existing development; (iii) operation and maintenance costs associated with roadway or transit improvements, (iv) repair and/or replacement of existing provision of transportation services, as contrasted with transportation improvements. [Added by Ord. No. 3340, eff. 6/14/93.]

DIVISION 3. COMMUNITY FACILITIES - NON-TRANSPORTATION RELATED FEE

10-1-2224: SHORT TITLE:

This division shall be known as the Community Facilities - Non-Transportation Related Fee. This fee in turn is a combination of four (4) distinct subfees: parks and recreation, fire, police, and libraries. The fee imposed pursuant to this division shall be known collectively as the Non-Transportation Related Fee. The fee also may be referred to in part, by the specific subfees, e.g. fire fee, police fee, library fee, and parks and recreation fee. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2225: PURPOSE:

A Community Facilities Non-Transportation Related Fee is hereby imposed on new non-residential development in the City of Burbank for the purpose of assuring that the current level of service goals of the City as set forth in the "City of Burbank Community Facilities Study" (Dec., 1992)/"City of Burbank Development Impact Fee Report" (Dec., 1992) are met with respect to the additional demands placed on library space; police and fire facilities; and parks and recreation space generated from such development. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2226: AFFECTED AREA:

This Community Facilities Non-Transportation Related Fee shall be applicable to all new development in the City of Burbank. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2227: COMMUNITY FACILITIES NON-TRANSPORTATION RELATED FEE REQUIREMENTS AND AMOUNT:

All development shall be required to pay a Community Facilities Non-Transportation Fee in accordance with Section 10-1-2206. The Community Facilities Non-Transportation Fee per population increases by land use and, where relevant, by location, shall be as follows:

Land Use Type	Community Facilities Fee				
	Total	Fire	Police	Library	Parks
Non-residential (City-wide)					
Office	\$1.04	.044	.208	.124	.664
Retail	\$0.52	.022	.104	.062	.332
Industrial	\$0.486	.021	.097	.058	.310
Institutional	\$0.26	.011	.052	.031	.166
Residential (City-wide)					
Single-Family	1,663*	37	181	583	862
Multiple-Family	1,231*	28	134	431	638
* Per Dwelling Unit					

(For automatic adjustment section, see Section 10-1-2207.) [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2228: CALCULATION OF COMMUNITY FACILITIES NON-TRANSPORTATION FEE:

The Building Official shall calculate the amount of the applicable Community Facilities Non-Transportation Fee due at the time specified in Section 10-1-2206 based upon the applicable impact rate as specified herein.

The Building Official shall calculate the amount of the applicable Community Facilities Non-Transportation Fee due for non-residential development by determining the gross square feet of floor area, type of use and location in a non-residential development, and multiplying the same by the applicable Community Facilities Non-Transportation Fee amount as established herein.

The Building Official shall calculate the amount of the applicable Community Facilities Non-Transportation Fee due for residential development by determining the number and type of dwelling units in the proposed residential development project and multiplying the same by the applicable Community Facilities Non-Transportation Fee amount as established herein. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2229: ESTABLISHMENT OF COMMUNITY FACILITIES NON-TRANSPORTATION FEE ACCOUNTS:

The City hereby establishes a segregated Community Facilities Non-Transportation Fee Subfund (hereafter "Subfund") to which all Non-Transportation Improvement Fees collected by the Building Official shall in turn be divided into four (4) separate accounts (hereafter "Fire Subfund; Parks Subfund; Police Subfund; and Library Subfund"). The Non-Transportation Fees shall be divided into the four (4) separate accounts in the manner set forth in Section

10-1-2227. All fees collected shall be deposited in accordance with this section and in accordance with Section 10-1-2208. [Added by Ord. No. 3340, eff. 6/14/93.]

10-1-2230: LIMITATION ON USE OF FUNDS DERIVED FROM COMMUNITY FACILITIES-NON-TRANSPORTATION IMPROVEMENT FEES:

Funds derived from payment of Community Facilities Non-Transportation Fees pursuant to this article shall be placed in the four (4) separate accounts. The Fire Subfund shall be used solely and exclusively for the purpose of funding fire station improvements and as identified in the "City of Burbank Community Facilities Study" (Dec., 1992)/"City of Burbank Development Impact Fee Report" (Dec., 1992). The Police Subfund shall be used solely and exclusively for the purpose of funding police station improvements and as identified in the "City of Burbank Community Facilities Study" (Dec., 1992)/"City of Burbank Development Impact Fee Report" (Dec., 1992). The Library Subfund shall be used solely and exclusively for the purpose of funding library space and improvements and as identified in the "City of Burbank Community Facilities Study" (Dec., 1992)/"City of Burbank Development Impact Fee Report" (Dec., 1992). The Park Subfund shall be used solely and exclusively for the purpose of funding park space and improvements and as identified in the "City of Burbank Community Facilities Study" (Dec., 1992) "City of Burbank Development Impact Fee Report" (Dec., 1992). [Added by Ord. No. 3340, eff. 6/14/93.]

ARTICLE 23. TRANSPORTATION DEMAND MANAGEMENT

10-1-2301: DEFINITIONS:

The following words or phrases shall have the following meanings when used in this article:

ALTERNATIVE TRANSPORTATION: Means the use of modes of transportation other than the single passenger motor vehicle including but not limited to carpools, vanpools, buspools, public transit, walking, and bicycling.

BUSPOOL: Means a vehicle carrying 16 or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

CARPOOL: Means a vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.

DEVELOPER: Shall mean the builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this article as determined by the property owner.

DEVELOPMENT: Means the construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this ordinance and which exceed the thresholds defined in Section 10-1-2303 shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

PREFERENTIAL PARKING: Means parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.

PROPERTY OWNER: Means the legal owner of a Development. The Property Owner shall be responsible for complying with the provisions of this article either directly or by delegating such responsibility as appropriate to a tenant.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD): Is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties).

TRANSPORTATION DEMAND MANAGEMENT (TDM): Means the alteration of travel behavior - usually on the part of commuters - through programs of incentives, services, and policies. TDM addresses alternatives to single occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

TRIP REDUCTION: Means reduction in the number of work-related trips made by single occupant vehicles.

VANPOOL: Means a vehicle carrying seven (7) or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven (7) to 15 adult passengers, and on a prepaid subscription basis.

VEHICLE: Means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. [Added by Ord. No. 3338; eff. 5/6/93; Amended by Ord. No. 3347, eff. 7/24/93; 3345.]

10-1-2302: LAND USE ANALYSIS PROGRAM:

All development projects for which an Environmental Impact Report (EIR) is required to be prepared shall be subject to the Land Use Analysis Program contained in the Los Angeles County Congestion Management Program (CMP), and shall incorporate into the EIR an analysis of the project's impacts on the regional transportation system. Said analysis shall be conducted consistent with the Transportation Impact Analysis (TIA) Guidelines contained in the most recent Congestion Management Program adopted by the Los Angeles County Metropolitan Transportation Authority. [Added by Ord. No. 3338; eff. 5/6/93; Renumbered by Ord. No. 3345, eff. 5/18/93.]

10-1-2303: REVIEW OF TRANSIT IMPACTS:

Prior to approval of any development project for which an Environmental Impact Report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted. Projects for which a Notice of Preparation (NOP) for a Draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of this ordinance are exempt from this ordinance. The "Transit Impact Review Worksheet", contained in the Los Angeles County Congestion Management Program (CMP) Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIRs and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the Draft Environmental Impact Report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.

Phased development projects, development projects subject to a Development Agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR. [Added by Ord. No. 3338; eff. 5/6/93; Renumbered by Ord. No. 3345, eff. 5/18/93.]

10-1-2304: TRANSPORTATION DEMAND AND TRIP REDUCTION MEASURES:

A. APPLICABILITY OF REQUIREMENTS; GENERAL.

Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

This ordinance shall not apply to projects for which a development application has been deemed "complete" by the City pursuant to Government Code Section 65943, or for which a Notice of Preparation for a DEIR has been circulated or for which an application for a building permit has been received, prior to the effective date of this ordinance.

All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. REQUIREMENTS.

1. Non-residential development of 25,000 square feet or more shall provide the following to the satisfaction of the City:

a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

- (1) Current maps, routes and schedules for public transit routes serving the site.
- (2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators.
- (3) Ridesharing promotional material supplied by commuter-oriented organizations.
- (4) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
- (5) A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Non-residential development of 50,000 square feet or more shall comply with Section 10-1-2304(B)(1) above and shall provide all of the following measures to the satisfaction of the City:

a. For retail projects, not less than three percent, and for all other non-residential projects, not less than ten percent of the total required parking spaces, shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential employee carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for Development Review, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one (1) space for projects of 50,000 square feet and two (2) spaces for projects over 100,000 square feet will be signed/striped for carpool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first 50,000 square feet of non-residential development and one (1) bicycle per each additional 50,000 square feet of non-residential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g. provision of racks, lockers, or locked room) shall be to the satisfaction of the City.

3. Non-residential development of 100,000 square feet or more shall comply with Section 10-1-2304(B)(1) and (B)(2) above, and shall provide all of the following measures to the satisfaction of the City.

a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

c. If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit station/stops.

d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite. [Added by Ord. No. 3338; eff. 5/6/93; Amended by Ord. No. 3347, eff. 7/24/93; 3345.]

10-1-2305: MONITORING:

Prior to the issuance of a certificate of occupancy or business license, the Zoning Administrator or his/her designee shall monitor the site of all non-residential developments of 25,000 square feet or more to verify compliance with all the requirements of this article. [Added by Ord. No. 3338; eff. 5/6/93; Renumbered by Ord. No. 3345, eff. 5/18/93.]

10-1-2306: ENFORCEMENT:

The City shall not issue a certificate of occupancy to a development which is not in compliance with this article.

A violation of Section 10-1-2304 is a misdemeanor. [Added by Ord. No. 3338; eff. 5/6/93; Renumbered by Ord. No. 3345, eff. 5/18/93.]

ARTICLE 24. RANCHO MASTER PLAN ZONES

DIVISION 1. PURPOSE AND DEFINITIONS

10-1-2401: PURPOSE:

This article creates the Rancho Master Plan Area which contains a series of zoning classifications for the East and West Rancho as defined by Resolution No. 23,893, which amended the General Plan and Land Use Element to reflect this area. All land use regulations and development standards for the Rancho Master Plan Area augment the land use regulation and development standards of the Burbank Municipal Code. The Rancho Master Plan regulates land zoned single family horsekeeping, commercial, commercial-recreational and existing industrial in the Rancho Master Plan Area for land use, density, height, setbacks, parking, landscaping, and design standards. When an issue, condition or situation is not covered or provided for in the Rancho Master Plans Zones Ordinance, the development regulations of the Burbank Municipal Code that are most applicable shall apply. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2402: DEFINITIONS:

For the purposes of this article, the following definitions shall apply. Words or phrases not defined in this section shall be construed as defined in the Burbank Municipal Code.

CALIFORNIA NATIVE PLANTS: Means landscaping materials that are associated with the Southern California's Mediterranean type climate. This category is not limited to drought-resistant varieties.

COMMERCIAL STABLE: Means any place that horses are kept, housed, boarded, lodged, fed, hired, rented, trained, or sold as a commercial activity.

HORSE: Means all members of the equine family including burros and donkeys and all hybrids of said family such as mules.

MISSION, RANCHO OR SPANISH COLONIAL STYLE: Means structures that are not boxlike and incorporate Spanish or western architectural elements of design such as arches, verandas, arbors, patios, plazas, tiled entry ways, simulated wood or tiled roofs, pitched roofs, and earth tone colors.

FIRST STORY: Means 15 feet to the ceiling measured from the grade except in the R-1-H Zone.

SECOND STORY: Means 25 feet to the ceiling measured from the grade except in the R-1-H Zone.

THIRD STORY: Means 35 feet to the ceiling measured from the grade except in the R-1-H Zone. [Added by Ord. No. 3343, eff. 6/26/93; Amended by Ord. No. 3669, eff. 7/5/05; 3488.]

DIVISION 2

[Deleted by Ord. No. 3669, eff. 7/5/05; Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 3. NEIGHBORHOOD BUSINESS (NB) ZONE

10-1-2412: PURPOSE:

The Neighborhood Business (NB) Zone is intended to accommodate a mix of commercial and office uses requiring visibility and convenient access.[Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2413: USES IN THE NB ZONE:

In the NB Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3343; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3457, 3439.]

10-1-2414; 2415 AND 2416:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2417: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in an NB Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be a maximum of 25 feet as measured from grade as defined in this article. Roof and architectural features may exceed the maximum height up to 15 additional feet without the need of a Conditional Use Permit if a 45 degree angle is maintained as depicted in Diagram No. 1.

2. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy.

3. A Conditional Use Permit is required for a structure higher than 25 feet.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property.

2. Determination of Open Space.

Open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent to an R-1, R-1-H or R-2 lot, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. Front Yards.

All structures, including above-grade and semi-subterranean parking, shall be set back at least ten (10) feet from the front lot line.

b. Side Yards.

A side yard setback is not required. However, if the side yard is used for surface parking, a minimum three (3) feet setback from the side lot line to the surface parking area is required.

c. Rear Yards.

A rear yard building setback is not required; provided, however, that if the lot abuts or is adjacent to an R-1, R-1-H or R-2 lot, a minimum 20 foot setback is required. If the rear yard is used for surface parking, a minimum five (5) feet setback from the rear lot line to the surface parking area is required.

3. Landscaping.

a. At least five percent of the total site area shall be landscaped.

b. Californian native plants and California Sycamore trees are required to be integrated within this required landscaped area. Required street trees shall be California Sycamore trees.

c. The requirements for parking structures and surface parking lots in Article 14 of this Chapter shall apply in the NB Zone.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may project over 75 percent of the required front yard not to exceed three (3) feet into the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

5. Parking.

a. Surface parking shall not be allowed between building frontage and Main Street.

b. For structures or projects applying for Development Review on or after the effective date of this ordinance on the lots south of Alameda Avenue, vehicular access to and from these lots shall only be available from Main Street, Alameda Avenue, or Riverside Drive.

c. For additional parking area requirements see Article 14 of this chapter.

D. ADDITIONAL STANDARDS.

For additional standards, see the remainder of this chapter. [Added by Ord. No. 3343, eff. 6/26/93; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488.]

10-1-2418: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected on any lot in the NB Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided for in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2419: DESIGN STANDARDS FOR THE NB ZONE:

The following design criteria shall apply to proposed improvements in the NB Zone:

- A. A full pitched roof is required. Mansard roofs are prohibited.
- B. Building orientation shall be toward Main Street.
- C. No single building or group of buildings with a common wall shall exceed a length of 100 feet.
- D. Architectural design-Mission, Rancho or Spanish Colonial style shall be used incorporating a number of the following elements: verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings or walkways, archways, colonial columns and heavy posts.
- E. Color-Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. Bright colors are prohibited.
- F. Materials and Finishes-A number of the following may be incorporated if otherwise allowed by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.
- G. The design standards of Section 10-1-1113.1 shall apply in the NB Zone. [Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 4. GARDEN OFFICE (GO) ZONE

10-1-2420: PURPOSE:

The Garden Office (GO) Zone is intended to provide a well landscaped, low profile office environment. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2421: USES IN THE GO ZONE:

In the GO Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3343; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3457, 3439, 3400; 3376.]

10-1-2422; 2423 AND 2424:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2425: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a GO Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall not exceed 35 feet as measured from grade as defined in this article. Roof and architectural features may exceed the maximum height up to 15 additional feet without the need of a Conditional Use Permit if a 45 degree angle is maintained as depicted in Diagram No. 1.

2. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy.

3. A Conditional Use Permit is required for structure higher than 35 feet.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent to R-3, R-4 and R-5 lots shall provide a minimum of ten (10) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent to R-1, R-1-H or R-2 property, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H or R-2, the open space may be used for surface parking.

5. Interior Courtyards.

Interior courtyards shall be provided and shall be visible from the public right-of-way.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. Front Yards.

All structures on Riverside Drive and Alameda Avenue shall be setback at least ten (10) feet from the front lot line. All structures on Main and Mariposa Streets shall be setback at least five (5) feet from the front lot line. A minimum of a ten (10) foot setback from the front lot line to any surface parking is required.

b. Side Yards.

A minimum ten (10) foot side yard building setback is required. A minimum of a five (5) foot setback from the side lot line to any surface parking is required.

c. Rear Yards.

A ten (10) foot rear yard building setback is required; provided, however, if the rear yard abuts or is adjacent to a residentially zoned property, a minimum 20 foot setback is required. A minimum of a five (5) foot setback from the rear lot line to any surface parking area is required.

d. When abutting or adjacent to R-1, R-1-H or R-2 zones, above-grade or semi-subterranean parking structures must be setback 20 feet from the residential property line. When abutting or adjacent to R-3, R-4 or R-5 zones, above-grade or semi-subterranean parking structures must be setback ten (10) feet from the residential property line. Public rights-of-way may be used in this calculation.

3. Landscaping.

a. Interior courtyards shall be 50 percent landscaped.

b. Interior lot spaces between buildings shall receive extensive landscape treatment incorporating California native plants and California Sycamore trees.

c. Pedestrian courtyards shall be 50 percent landscaped.

d. Californian native plants and California Sycamore trees are required within landscaped areas.

e. The requirements for parking structures and surface parking lots in Article 14 of this Chapter shall apply in the GO Zone.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may project over 75 percent of the required front yard not to exceed three (3) feet into the required front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

5. Parking.

a. No surface parking area frontage shall comprise more than 50 percent of any street frontage.

b. Surface parking shall be organized into parking courts not to exceed 40 stalls surrounded on all sides with a minimum five (5) foot landscape buffer.

c. Above-grade and semi-subterranean parking structures shall be allowed along the rear 50 percent of the property.

d. For additional parking area requirements, see Article 14 of this chapter.

D. ADDITIONAL STANDARDS.

For additional standards see the remainder of this chapter. [Added by Ord. No. 3343, eff. 6/26/93;.Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488.]

10-1-2426: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1915 of this Code, no structure shall be erected in the GO Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3343, eff. 6/26/93.]

10-11-2427: DESIGN STANDARDS FOR THE GO ZONE:

The following design criteria shall apply in the GO Zone:

A. All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings and horizontal setbacks.

B. Pedestrian entrances on exposed elevations shall be recessed and architecturally highlighted.

C. Pitched roofs are required. Mansard roofs are prohibited.

D. No more than 60 percent of the building facade shall be in the same plane.

E. Architectural design-Mission, Rancho, or Spanish Colonial style shall be used incorporating a number of the following elements: verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings, walkways, archways, colonial columns and heavy posts.

F. Color-Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. Bright colors are prohibited.

G. Materials and Finishes-A number of the following may be incorporated if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.

H. The design standards of Section 10-1-1113.1 shall apply in the GO Zone. [Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 5. RANCHO COMMERCIAL (RC) ZONE

10-1-2428: PURPOSE:

The Rancho Commercial (RC) Zone is intended to encourage and support the development of community oriented retail and service commercial uses in conjunction with professional offices. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2429: USES IN THE RC ZONE:

In the RC Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3343; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3464, 3457, 3439, 3400, 3376.]

10-1-2430; 2431 AND 2432:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2433: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in an RC Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be 35 feet as measured from grade, as defined in this chapter. Roof and architectural features may exceed the maximum height up to 15 additional feet without the need of a Conditional Use Permit if a 45 degree angle is maintained as depicted in Diagram No. 1.

2. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy.

3. A Conditional Use Permit is required for a structure higher than 35 feet.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent to R-3, R-4, and R-5 lots shall provide a minimum five (5) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement. When the commercial property abuts or is adjacent to R-1, R-1-H, or R-2 property, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H, or R-2, open space may be used for surface parking.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. Front Yards.

The first story shall be set back a minimum of 25 feet from the front lot line; the second story, excluding balconies, shall be set back a minimum of 30 feet from the front lot line; the third story, excluding balconies, shall be set back 35 feet from the front lot line. A minimum of a ten (10) foot setback from the front lot line to any surface parking area is required.

b. Side Yards.

A minimum of a ten (10) foot side yard building setback is required. A minimum of a five (5) foot setback from the side lot line to any surface parking is required.

c. Rear Yards.

A minimum of a five (5) foot rear yard building setback is required. A minimum of a five (5) foot setback from the rear lot line to any surface parking area is required.

3. Landscaping.

a. Californian native plants and California Sycamore trees shall be used as required landscaping materials. California Sycamore trees shall be used as the required street trees.

b. The landscaping requirements of Section 10-1-705(C)(3) shall apply in the RC Zone.

c. The requirements for parking structures and surface parking lots in Article 14 of this Chapter shall apply in the RC Zone.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may project over 75 percent of the required front yard not to exceed three (3) feet into the front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

5. Parking.

a. No surface parking area frontage shall comprise more than 50 percent of any street frontage.

b. Surface parking shall be organized into parking courts not to exceed 40 stalls, surrounded on all sides with a minimum five (5) foot landscape buffer.

c. Parking structures shall not be allowed in the rear 50 percent of the property if the property abuts or is adjacent to a residential zone.

d. Commercial retail requires five (5) parking spaces per 1,000 square feet of floor area and professional offices requires three (3) parking spaces per 1,000 square feet of floor area.

e. For additional parking area requirements, see Article 14 of this chapter.

6. Walls, Fences, Satellite Dishes, Flagpoles, Antennae and Light Standards.

a. **MINIMUM DISTANCE FROM LOT LINES.** Walls, fences, satellite dishes, flagpoles, antennae and light standards shall be set back a minimum of ten (10) feet from any lot line which separates the lot from a street and from any lot line which separates two (2) properties within the Rancho Commercial Zone. The Community Development Director may reduce or waive the setback requirements for a segment of a wall or fence fronting on a street, as well as for a segment of a wall or fence (not to exceed ten (10) feet in length) along any lot line which separates two (2) properties within the Rancho Commercial Zone where necessary to connect such wall or fence to the edge of a building at the lot line, provided, in either instance, the Community Development Director determines that such reduction or waiver will not unreasonably impair the visibility of building frontages on adjacent property as viewed from an arterial street which is parallel to, or which intersects, or is perpendicular to, such lot line.

b. **CORNER CUTOFF AREA.** There shall be a corner cutoff for all walls, fences, satellite dishes, flagpoles, antennae and/or light standards at the intersection of a lot line separating two (2) properties and the right-of-way line for an arterial street. No structure shall be erected or maintained above the height of three (3) feet within the cutoff area. The cutoff shall consist of a triangular area, the corners of which are located on the subject property as follows: (i) the point of intersection of the interior property line and the right-of-way (ii) a point 30 feet from point one on the interior property line and (iii) a point 40 feet from point one on the property line abutting the right-of-way. Based on input from the Traffic Engineer, the Community Development Director may reduce or waive the requirements of this subsection if traffic visibility can otherwise be maintained consistent with traffic engineering standards.

c. **DESIGN STANDARDS.**

(i) No wall or fence shall exceed six (6) feet in height.

(ii) Any wall or fence shall consist of one (1) or more of the following materials: wood, rough cut timbers, river rock, Spanish tile, textured stucco, brick or wrought iron.

(iii) Where a wall or fence in excess of four (4) feet in height is to be located on property frontage along an arterial street and said frontage is greater than 200 feet in length, any portion of such wall or fence over four (4) feet in height shall consist of a material which allows visibility into the property, such as wrought iron. In addition, where there is a wall or fence in excess of four (4) feet in height located on property frontage along an arterial street and said frontage is greater than 200 feet in length, such wall or fence shall have a projection or recess having no dimension less than five (5) feet for a minimum of 35 percent of the lineal frontage.

(iv) Where a wall or fence in excess of four (4) feet in height is to be located on or adjacent to a lot line which separates two (2) properties within the Rancho Commercial Zone and said lot line is greater than 60 feet in length, any portion of such wall or fence over four (4) feet in height shall consist of a material which allows visibility into the adjacent property, such as wrought iron. The Community Development Director may reduce or waive this requirement if the Community Development Director determines, with input from the Traffic Engineer, that such reduction or waiver will not unreasonably impair the visibility of building frontages on the adjacent property as viewed from an arterial street which intersects, or is perpendicular to, such lot line.

(v) Notwithstanding the regulations for walls and fences set forth in this section, a wall or fence of three (3) feet in height or less is permitted within the setback and corner cutoff areas if in conjunction with a landscaping plan approved by the Community Development Director.

d. SATELLITE DISHES. Satellite dishes which exceed eight (8) feet in height shall require an Administrative Use Permit.

D. ADDITIONAL STANDARDS.

For additional standards see the remainder of this chapter. [Added by Ord. No. 3343, eff. 6/26/93; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488, 3382.]

10-1-2434: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in the RC Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2435: DESIGN STANDARDS FOR THE RC ZONE:

The following design criteria shall apply in the RC Zone:

- A. Pitched roofs with overhangs are required. Mansard roofs are prohibited.
- B. Architectural design-Mission, Rancho or Spanish Colonial style shall be used incorporating a number of the following elements: verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings, walkways, archways, colonial columns and heavy posts.
- C. Color-Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. No bright colors may be used.
- D. Materials and Finishes-A number of the following may be incorporated, if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.
- E. The design standards of Section 10-1-1113.1 shall apply in the RC Zone. [Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 6. COMMERCIAL RECREATION (CR) ZONE

10-1-2436: PURPOSE:

The Commercial Recreation (CR) Zone is intended for recreational uses which are privately owned and operated for commercial purposes. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2437: USES IN THE CR ZONE:

In the CR Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3343; Amended by Ord. No. 3504, eff. 12/26/98; 3464, 3457, 3439, 3404, 3400, 3376.]

10-1-2438; 2439 AND 2440:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2441: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in a CR Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall be a maximum of 35 feet as measured from grade as defined in this article. Roof and architectural features may exceed the maximum height up to 15 additional feet without the need of a Conditional Use Permit if a 45 degree angle is maintained as depicted in Diagram No. 1.

2. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy.

3. A Conditional Use Permit is required for a structure higher than 35 feet.

B. OPEN SPACE.

1. Distance Requirements.

Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent to R-3, R-4, and R-5 lots shall provide a minimum five (5) foot open space between the properties.

2. Determination of Open Space.

This open space shall be measured from the lot line of the residential property to the commercial structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement.

When the commercial property abuts or is adjacent to an R-1, R-1-H or R-2 property, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space.

When the commercial property abuts property other than R-1, R-1-H or R-2, the open space may be used for surface parking.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. Front Yards. All structures shall be set back at least 25 feet from the front lot line. A minimum of a ten (10) foot setback from the front lot line to any surface parking area is required.

b. Side Yards. A five (5) foot side yard building setback is required; provided, however, if the side yard abuts or is adjacent to a residentially zoned property, a minimum ten (10) foot setback is required. A minimum of a five (5) foot setback from the side lot line to any surface parking is required.

c. Rear Yards. A five (5) foot rear yard building setback is required; provided, however, if the rear yard abuts or is adjacent to a residentially zoned property, a minimum ten (10) foot setback is required. A minimum five (5) foot setback from the rear lot line to any surface parking area is required.

3. Landscaping.

a. Californian native plants and California Sycamore trees shall be used as landscaping materials. California Sycamore trees shall be used as required street trees.

b. The landscaping requirements of Section 10-1-705(C)(3) shall apply in the CR Zone.

c. The requirements for parking structures and surface parking lots in Article 14 of this Chapter shall apply in the CR Zone.

4. Retail Structures.

On retail structures, bay windows at least three (3) feet high may project over 75 percent of the required front yard not to exceed three (3) feet into the front yard. The bay windows shall be spaced to allow adequate sunlight to reach required landscaping.

5. Parking.

a. No surface parking area frontage shall comprise more than 50 percent of any street frontage.

b. If surface parking is visible from the public right-of-way, parking shall be organized into parking courts not to exceed 40 stalls, surrounded on all sides with a minimum five (5) foot landscape buffer.

c. Parking structures shall not be allowed in the rear 50 percent of the property if the property abuts or is adjacent to a residential zone.

D. ADDITIONAL STANDARDS.

For additional standards, see the remainder of this chapter. [Added by Ord. No. 3343, eff. 6/26/93; Amended by Ord. No. 3810, eff. 6/10/11; 3548, 3491, 3488.]

10-1-2442: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in the CR Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2443: DESIGN REVIEW STANDARDS FOR CR ZONE:

The following design criteria shall apply to proposed improvements in the CR Zone:

- A. Pitched roofs are required. Mansard roofs are prohibited.
- B. Architectural design-Mission, Rancho or Spanish Colonial style shall be used incorporating a number of the following elements; verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings or walkways, archways, colonial columns and heavy posts.
- C. Color-Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. No bright colors may be used.
- D. Materials and Finishes-A number of the following may be incorporated, if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.
- E. The design standards of Section 10-1-1113.1 shall apply in the CR Zone. [Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 7. RANCHO BUSINESS PARK (RBP) ZONE

10-1-2444: PURPOSE:

The Rancho Business Park (RBP) Zone is intended for the development of offices, media-related uses and restricted light manufacturing activities. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2445: USES IN THE RBP ZONE:

In the RBP Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3343; Amended by Ord. No. 3504, eff. 12/26/98; 3465, 3457, 3439.]

10-1-2446; 2447 AND 2448:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2449: LOCATION AND OPERATION OF USES:

The following requirements shall apply to all uses in an RBP Zone:

A. All processing and assembly of goods shall be conducted completely within a building that is enclosed on all sides, unless otherwise specified.

B. Operations that create noise, smoke, ash, dust, odor, ground vibration, heat, glare, humidity, radio disturbance, or radiation shall be so located, and conducted in such a manner, that they do not exceed the standards prescribed in Article 17 of this chapter, measured at the property lines of the use in question. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2450: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in an RBP Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of a structure shall not exceed 25 feet as measured from grade as defined in this article. Roof and architectural features may exceed the maximum height up to 15 additional feet without the need of a Conditional Use Permit if a 45 degree angle is maintained as depicted in Diagram No. 1.

2. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy.

3. A Conditional Use Permit is required for a structure higher than 25 feet.

B. OPEN SPACE.

1. Distance Requirements. Each lot which abuts or is adjacent to an R-1, R-1-H or R-2 lot shall provide open space not less than 20 feet wide along the area that abuts the residential property. Lots abutting or adjacent to R-3, R-4 and R-5 lots shall provide a minimum of 15 foot open space between the properties.

2. Determination of Open Space. This open space shall be measured from the lot line of the residential property to the RBP structure. Public rights-of-way may be included within the calculation of such area, except as otherwise provided in this section.

3. Landscaping Requirement. When the RBP property abuts any residential property, a five (5) foot strip of the open space which lies adjacent to the residential property shall be landscaped, unless a public right-of-way is utilized in the calculation of the open space. This landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space. Surface parking is allowed in the open space as long as the requirements of this section are satisfied.

C. YARDS.

1. Front Yard - Definition.

For the purpose of this section, side yards on corner lots shall be considered as front yards.

2. Setbacks.

a. All structures, except above-grade and semi-subterranean parking structures, shall be set back an average of at least five (5) feet from the front lot line or 20 percent of the building height, whichever is greater. Such setback shall be required for that portion of a building that is within 20 feet above-grade and shall be calculated for the length of the building frontage only. Any open space or surface parking lots not in front of a structure shall not be included in calculating average setbacks. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

b. Above-grade and semi-subterranean parking structures shall be set back from the front lot line an average of at least five (5) feet or 20 percent of building height, whichever is greater provided, however, that the structure must be set back a minimum of three (3) feet. When abutting or adjacent R-1, R-1-H or R-2 zones, above-grade and semi-subterranean parking structures must be set back a minimum of 20 feet from the residential property line. When abutting or adjacent R-3, R-4 or R-5 zones, above-grade and semi-subterranean parking structures must be set back a minimum of 10 feet from the residential property line. Public rights-of-way may be used in this calculation.

3. Landscaping.

a. Californian native plants and California Sycamore trees shall be used as landscape materials.

b. The landscaping requirements of Section 10-1-705(C)(3) shall apply in the RBP Zone.

c. All required front yards shall be landscaped.

D. MASONRY WALL.

A six (6) foot high decorative masonry wall shall be erected along every property line forming a boundary with a residential zone, except that along the property line in any required front setback area the height of the wall shall be three (3) feet.

E. ADDITIONAL STANDARDS.

For additional standards, see the remainder of this chapter. [Added by Ord. No. 3343, eff. 6/26/93; Amended by Ord. No. 3810, eff. 6/10/11; 3491, 3488.]

10-1-2451: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1915 of this Code, no structure shall be erected in the RBP Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2452: DESIGN REVIEW STANDARDS FOR THE RBP ZONE:

The following design criteria shall apply to proposed improvements in the RBP Zone:

- A. Pitched roofs are required. Mansard roofs are prohibited.
- B. Architectural design - Mission, Rancho or Spanish Colonial style shall be used incorporating a number of the following elements: verandas, arbors, patios, courtyards, plazas, arches, simulated wood roofs, tile roofs, open beam ceilings, walkways, archways, colonial columns and heavy posts.
- C. Color - Whites, natural wood grain finishes, earth tones, pale tones, tans, rusts, adobe pink, and copper patina shall be used and incorporated. No bright colors may be used.
- D. Materials and Finishes - A number of the following may be incorporated, if otherwise permitted by the Burbank Municipal Code: wood, rough cut timbers, river rock, Spanish tile and textured stucco.
- E. The design standards of Section 10-1-1113.1 shall apply in the RBP Zone. [Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 8. RANCHO REVIEW BOARD

10-1-2453: RANCHO REVIEW BOARD:

A Rancho Review Board shall be formed to review all development projects in the Rancho Master Plan Area that are subject to Development Review for compliance with this article pursuant to procedures established by the Community Development Director. The composition of the Rancho Review Board shall be determined by the Community Development Director. [Added by Ord. No. 3343, eff. 6/26/93.]

DIVISION 9. COMMERCIAL STABLES

10-1-2454: CONDITIONAL USE PERMIT TO OPERATE:

A commercial stable is permitted in the Rancho Master Plan Area upon the granting of a Conditional Use Permit. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2455: CONSTRUCTION; SETBACKS:

Commercial stables shall be of Type I construction and shall be located no closer than 20 feet from a door, window or opening of a structure used or designed to be used for human habitation. If the stables are completely enclosed by walls and a roof and the walls or portion thereof facing the setback area are constructed of reinforced masonry at least eight (8) inches thick or reinforced concrete at least six (6) inches thick with a smooth, hard, non-absorbent interior finish, the 20 feet may be reduced to 15 feet. Other Type I materials may be used if approved by the Building Official as being equally strong, durable and resistant to sounds and odors arising from within the stables.

Commercial stables shall be of Type I Construction and shall be set back a minimum of five (5) feet from any side or rear property line, zero feet if abutting an alley.

Corrals shall be located no closer than 20 feet to the doors, windows or other openings of any building or structure on the same or adjacent lot used or designed to be used for human habitation. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2456: NUMBER OF HORSES TO BE KEPT IN COMMERCIAL STABLE:

Commercial stables shall have a minimum lot area of 500 square feet for each horse.

EXCEPTION:

Wherever completely enclosed individual box stalls are Provided with minimum dimensions eight (8) feet in width and 12 feet in length, an additional number of horses above the total allowed by this section may be allowed equal to the number of box stalls provided, but in no case shall the total number of horses exceed the ratio of one (1) horse per 400 square feet of lot area. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2457: STABLE AREAS TO BE KEPT FREE FROM STANDING WATER:

All areas used in connection with the keeping of horses shall be so arranged as to prevent an accumulation of standing water. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2458: PUBLIC SANITARY FACILITIES:

Every commercial stable, or portion thereof, where the public is served shall be provided with a minimum of one (1) public toilet located so as to be reasonably convenient to the stable clientele.

The floors and walls of toilet room(s) and all surfaces within two (2) feet of the front and sides of urinals shall be finished with a smooth, hard non-absorbent material of portland cement, ceramic tile, or other approved materials. Walls shall be finished to a height of four (4) feet above the floor. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2459: FENCES AND GATES:

The perimeter of that portion of the commercial stable used for horses shall be completely enclosed with a fence and gates having a minimum height of five (5) feet. The perimeter structure shall be capable of supporting a force of 150 pounds per foot with the load applied three (3) feet from the ground surface.

Locks, latches and other gate fastening hardware capable of holding gates in a closed position shall be used on all gates referred to in this section. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2460: EXITS IN HORSE STABLES:

At commercial stables, each building or enclosure used in connection with the keeping of ten (10) or more horses shall have at least two (2) exits (unless in the R-1-H Zone) of a minimum width of eight (8) feet. If two (2) exits are required, they shall be placed a distance apart equal to not less than one-fifth (1/5) of the perimeter of the area served. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2461: HORSES TO BE KEPT IN BUILDING:

All horses maintained on any lot or parcel used for commercial stable purposes shall be tethered or stabled within a building except when being ridden or when being exercised, groomed, trained by an attendant or attended to by a veterinarian. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2462: SIGNS TO BE POSTED - SMOKING PROHIBITED:

On property used for commercial stable purposes, smoking shall be prohibited in any structure housing horses and in any area or structure used for the storage of feed and grain. There shall be posted at all points of ingress to any such structures or area, a sign stating "Smoking Prohibited". Such sign shall be easily readable upon approaching any such structures or area. It shall be the responsibility of the commercial stable operator to cause compliance with this section. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2463: NUISANCE CONDITIONS - PROHIBITED:

Any operation or use of any property as a commercial stable, shall not make, cause, or permit to be made or caused, any unnecessary noises, sounds or vibrations either of a continuing or of an intermittent nature, or produce, cause or emit any dust, fumes, odors or vapors which are annoying to persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their intensity, time or place of occurrence as to occasion discomfort to the inhabitants of the City or any number thereof. [Added by Ord. No. 3343, eff. 6/26/93.]

10-1-2464: PARKING:

A. COMMERCIAL STABLES IN NON-RESIDENTIAL ZONES.

All commercial stables in non-residential zones shall provide a minimum of two (2) off-street parking spaces.

B. COMMERCIAL STABLES IN THE R-1-H ZONE.

All commercial stables located in the R-1-H Zone shall provide a minimum of one (1) off-street parking space. [Added by Ord. No. 3343, eff. 6/26/93.]

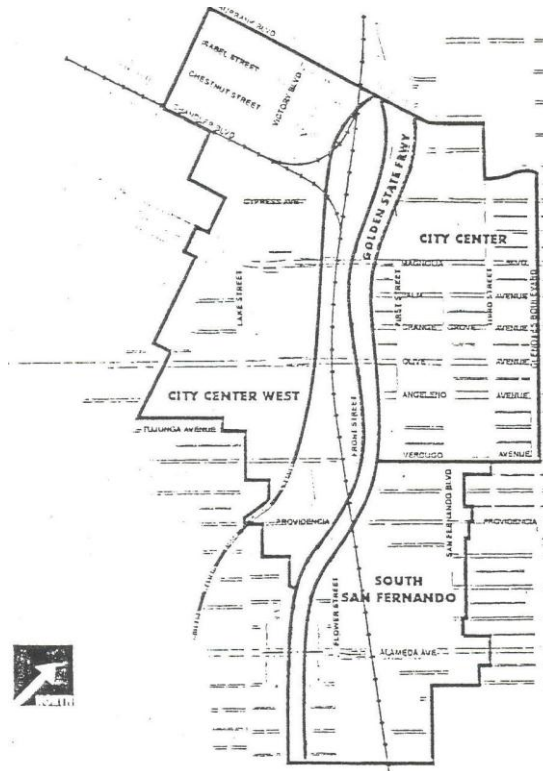
ARTICLE 25. BURBANK CENTER OVERLAY ZONE

DIVISION 1. PURPOSE AND DEFINITIONS

10-1-2501: PURPOSE:

This Article creates an overlay zoning area, called the Burbank Center ("Burbank Center") which contains a series of zoning classifications for the Burbank Center. This zone incorporates a number of transportation demand management goals and strategies, including the reduction of traffic impacts of future development by decreasing the dependency of future employees on private vehicles by providing viable public transit alternatives.

The Burbank Center overlay zone regulates commercial and industrial land located within the boundaries of the Burbank Center in relation to land use, density, height, and setbacks, as well as specific aspects of parking, landscaping and signs. The Overlay Zone is intended to supplement and override the existing zones; in the event that a development standard is not provided for in the Burbank Center Overlay Zone Ordinance, the development regulations of the Burbank Municipal Code for the underlying or specified zone shall apply. Parcels which retain non-overlay zoning (i.e., all property without a BC prefix to zone except for the Commercial Manufacturing ("CM") Zone) shall comply with applicable development standards of this Article. The boundaries of the Burbank Center are delineated as follows:



[Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2502: DEFINITIONS:

For the purposes of this article, the following definitions shall apply. Words or phrases not defined in this section shall be construed as defined in the Burbank Municipal Code. This section only includes words or phrases which are not defined elsewhere in this Chapter.

CIVIC CENTER: Encompasses a six (6) block area bounded by San Fernando Boulevard, north to Palm Avenue, east to Glenoaks Boulevard, south to Angeleno Avenue, then west to San Fernando Boulevard.

TRANSIT CENTER: As defined by the 1993 Congestion Management Plan (CMP) for Los Angeles County, and as it may be amended, is a fixed facility that consolidates and supports passenger loading, and includes Passenger rail stations such as those along the Metro Red Line, Blue Line and Metrolink, and Major bus transfer centers served by at least eight (8) bus lines, including fixed route shuttles, and providing a sheltered waiting area, signage with a listing of bus routes to the Center, and bus bays restricted to bus use. [Added by Ord. No. 3467, eff. 7/19/97.]

DIVISION 2. BURBANK CENTER COMMERCIAL RETAIL-PROFESSIONAL (BCC-1)
ZONE (DOWNTOWN COMMERCIAL)

10-1-2503: PURPOSE:

The Burbank Center Commercial Retail Professional (BCC-1) Zone allows for commercial retail and office uses geared towards a downtown village concept, including an allowance for residential uses above commercial uses on the same property. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2504: USES IN THE BCC-1 ZONE:

In the BCC-1 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3467, eff. 7/19/97; Amended by Ord. No. 3504, eff. 12/26/98.]

10-1-2505 AND 2506:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2507: PROPERTY DEVELOPMENT STANDARDS:

Except as modified by Division 7 of this Article, all development shall comply with the standards of the C-1 Zone, specifically Section 10-1-705 et seq. [Added by Ord. No. 3467, eff. 7/19/97.]

DIVISION 3. BURBANK CENTER COMMERCIAL
LIMITED BUSINESS (BCC-2) ZONE

10-1-2508: PURPOSE:

The Burbank Center Commercial Limited Business (BCC-2) Zone is intended for the development of retail centers and commercial and professional office complexes in the Burbank Center Plan area serving the shopping and personal service needs of both the surrounding residential areas and the region. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2509: USES IN THE BCC-2 ZONE:

In the BCC-2 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3467, eff. 7/19/97; Amended by Ord. No. 3504, eff. 12/26/98.]

10-1-2510; 2511 AND 2512:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2513: PROPERTY DEVELOPMENT STANDARDS:

Except as modified by Division 7 of this Article, all development shall comply with the standards of the C-2 Zone, specifically Section 10-1-712 et seq. [Added by Ord. No. 3467, eff. 7/19/97.]

DIVISION 4. BURBANK CENTER COMMERCIAL
GENERAL BUSINESS (BCC-3) ZONE

10-1-2514: PURPOSE:

The Burbank Center Commercial General Business (BCC-3) Zone is intended for limited types of general business establishments, mixed use commercial/office/residential development, and other commercial uses in the Burbank Center Plan area which are compatible with mixed-use residential projects and which rely on the traffic on abutting arterials, and on residents living in mixed-use projects in this zone and in adjacent residential areas, for patronage. [Added by Ord. No. 3466, eff. 7/19/97.]

10-1-2515: USES IN THE BCC-3 ZONE:

In the BCC-3 Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3467, eff. 7/19/97; Amended by Ord. No. 3504, eff. 12/26/98.]

10-1-2516; 2517 AND 2518:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2519: PROPERTY DEVELOPMENT STANDARDS:

Except as modified by Division 7 of this Article, all development shall comply with the standards of the C-3 Zone, specifically Section 10-1-718 et seq. [Added by Ord. No. 3467, eff. 7/19/97.]

DIVISION 5. AUTOMOBILE DEALERSHIP (AD) ZONE

10-1-2519.1: PURPOSE:

The Automobile Dealership (AD) Zone is intended to provide within the City an area devoted primarily to new car sales. For the purposes of this AD Zone, the primary permitted use is the sales of new automobiles. Used car sales, automobile repair, incidental retail, and restaurants that serve the dealership are permitted as ancillary uses only. [Added by Ord. No. 3522, eff. 8/10/99.]

10-1-2519.2: USES IN THE AD ZONE:

In the AD Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3522, eff. 8/10/99.]

10-1-2519.3: PROPERTY DEVELOPMENT STANDARDS:

All development in the AD Zone shall comply with the development standards of the BCC-3 Zone. [Added by Ord. No. 3522, eff. 8/10/99.]

10-1-2519.4: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in the AD Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. 3522, eff. 8/10/99.]

DIVISION 6. BURBANK CENTER COMMERCIAL
MANUFACTURING (BCCM) ZONE

10-1-2520: PURPOSE:

The Burbank Center Commercial Manufacturing (BCCM) Zone is intended to combine selected provisions of the C-4 Commercial Zone and the M-1 Industrial Zone to provide for the development of mixed commercial and light industrial uses, such as office/industrial parks. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2521: USES IN THE BCCM ZONE:

In the BCCM Zone, uses are allowed as set forth in Section 10-1-502. [Added by Ord. No. 3467, eff. 7/19/97; Amended by Ord. No. 3504, eff. 12/26/98.]

10-1-2522 AND 2523:

[Deleted by Ord. No. 3504, eff. 12/26/98.]

10-1-2524: PROPERTY DEVELOPMENT STANDARDS:

Except as modified by Division 7 of this Article, all development shall comply with the standards of the C-4 Zone, specifically Section 10-1-724 et seq. [Added by Ord. No. 3467, eff. 7/19/97.]

DIVISION 7. PROPERTY DEVELOPMENT STANDARDS FOR
BURBANK CENTER PLAN AREA

10-1-2525: APPLICABILITY OF STANDARDS:

All development of industrially or commercially zoned properties shall comply with the development standards of the respective division of Article 7, except as specified in this Division. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2526: M-1 RESTRICTED INDUSTRY:

The following additional development standards shall be required for M-1 property:

1. All properties abutting or adjacent residentially-zoned property shall maintain a 150 foot buffer area on-site, measured from the industrial property line, within which no hazardous materials as defined by the Burbank Fire Department may be used or stored.

2. A five (5)-foot landscaped setback shall also be provided for those portions of the property fronting a public right of way adjacent to residentially zoned property. Landscaping for this area shall be provided as required by Section 10-1-806 of the BMC. In addition, a six (6) foot high masonry wall shall be constructed along the industrial property line behind the aforementioned five (5)-foot setback along the entire length of the property abutting or adjacent to the residential zone, except for those points necessary for ingress and egress.

3. For all industrial properties abutting or adjacent to residentially-zoned property, no deliveries or pick-ups of products and supplies may be conducted during nighttime hours, as defined in Section 9-3-202 of this Code.

4. All loading zones and docks must be located as far as possible from the residential property line. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2527: RESIDENTIAL DEVELOPMENT AS PART OF A COMMERCIAL MIXED USE PROJECT:

In the BCC-1, BCC-2 and BCC-3 zones, residential uses shall be permitted by Conditional Use Permit on the levels above the ground floor, with an allowable density based on the R-4 Zone. All R-4 development standards shall apply, with the exception of setbacks and landscaping of setbacks, which shall conform to the development standards of the respective C-1 or C-2 Zone classification. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2528: RESIDENTIAL-ONLY DEVELOPMENT IN COMMERCIAL ZONES:

Residential-only development shall be permitted by Conditional Use Permit exclusively in areas zoned BCC-3, located on the west side of Glenoaks Boulevard between Verdugo and Cypress Avenues, and on the east side of San Fernando Boulevard between Verdugo Avenue and Alameda Avenue if more than 300 feet from any intersections of two (2) arterial roadways. Residential-only development shall not be permitted in the BCC-3 Zone located

on the west side of Victory Boulevard between Chandler Boulevard and Clark Avenue. Any residential-only development shall comply with all R-4 Residential Zone development standards, including setbacks and landscaping of setbacks. The allowable density is based on the R-4 Zone. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2529: RESIDENTIAL DENSITY BONUS:

A residential density bonus of up to 25 percent shall be permitted (up to the maximum density permitted under the General Plan) for low and moderate income housing, as specified in Section 10-1-635. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2530: STRUCTURE HEIGHT:

1. The maximum allowable height for all structures within the BCP area shall be as follows:

<u>Distance from R-1 or R-2 Zoned Lot Line</u>	<u>Maximum Allowable Height</u>
0-25 feet	1 foot height for each 1 foot of distance from R-1 or R-2 lot line for any part of structure
25-50 feet	25 feet (roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree is maintained)
50-150 feet	35 feet
150-300 feet	50 feet
Greater than 300 feet	70 feet (90 feet within the Civic Center Area)
Greater than 500 feet	164 feet (or 12 stories) via Conditional Use Permit
Greater than 500 feet	205 feet (or 15 stories) via Planned Development

2. Height shall be measured from the average of the natural grade elevations of the corners of the property. For buildings up to 70 feet (90 feet in Civic Center), maximum height shall be measured to the ceiling height of the highest room permitted for human occupancy. For all other buildings, height shall be measured to the highest portion of the structure.

3. Rooftop mechanical, storage and building circulation facilities are excluded from height limits, provided that these facilities do not occupy more than one-third (1/3) the area of the roof and are located in the interior of the roof area.

4. A Conditional Use Permit is not required for buildings in the Burbank Center Plan area to exceed 35 feet in height up to a maximum height of 70 feet, if in compliance with the above distance requirements from R-1 and R-2 zoned properties. Properties within one - quarter (1/4) mile of the Regional Intermodal Transportation Center (RITC) and more than 500 feet from an R-1 or R-2 property may exceed the 70 foot height limit if approved through the Conditional Use Permit process up to 15 stories or 205 feet in height.

5. Properties within one-quarter (1/4) mile of a regional intermodal transit center and more than 500 feet from an R-1 or R-2 zoned property may exceed the 12-story (164 foot) height limit up to a height of 15 stories or 205 feet through the City's Planned Development process if the goals of the Plan, such as exceptional pedestrian linkages to passenger rail stations, are met (see definition of "transit center" under Section 10-1-2502). Exceptions to the above stairstep height limits may be specifically requested through either a Variance or a Planned Development. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2531: BUILDING SETBACKS:

A. All structures shall provide the setbacks established in the respective C-1, C-2, C-3, M-1 and M-2 Zone. Structures in the BCCM Zone shall provide the setbacks established in the C-4 Zone.

B. Uses Within Setbacks within commercial zones (including BCCM Zone). The entire setback may be used for an open air restaurant, or half the required setback may be occupied by a one story structure reserved exclusively by covenant for retail uses. Open air seating may be located on top of this single story retail structure.

C. Parking Lot Design Standards. The required setback shall not be used for surface parking. Surface parking shall not be located between the structure that it serves and any primary or secondary pedestrian route. [Added by Ord. No. 3467, eff. 7/19/96.]

10-1-2532: LANDSCAPE MAINTENANCE IN REQUIRED SETBACK AREAS:

Any required front setback area shall have an automatic irrigation system and the planted material required by Code shall be continuously maintained. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2533: DEVELOPMENT REVIEW:

Unless specifically exempted by this Code, no structure shall be erected within the Burbank Center Plan Area until plans have been submitted for Development Review and approved by the Director as provided in Division 2, Article 19 of Title 10 of the Burbank Municipal Code. [Added by Ord. No. 3467, eff. 7/19/97.]

DIVISION 8. TRANSPORTATION DEMAND MANAGEMENT

10-1-2534: PURPOSE AND DEFINITIONS:

A significant number of the work trips projected in the Burbank Center will be accommodated not by increasing the capacity of the street system, but by reducing the demand for additional street capacity through Transportation Demand Management (TDM). TDM is defined as "measures designed to reduce peak-hour vehicle trips, including ridesharing, carpooling, work hour changes, and use of public transportation."

The purposes of requiring TDM efforts to reduce employee dependency on single occupancy automobile transit and the related impacts, are as follows.

A. Minimize private vehicle peak-hour commute trips from new and existing employer development.

B. Reduce the traffic impacts within the community and region with a reduction in the number of vehicles and total vehicle miles traveled.

C. Reduce the vehicular emissions, energy use and ambient noise levels by a reduction in the number of vehicular trips, total vehicle miles traveled, and traffic congestion through a decrease in peak-hour commute trips, as well as maintain a level of service (LOS) D or better on streets, arterials and highways.

D. Minimize the percentage of employees traveling to and from work at the same time and during peak-hour schedules by encouraging modified work schedules.

E. Promote or increase work-related transit use, ridesharing, and bicycling to minimize parking needs and to keep critical intersections from severe overload.

F. Decrease the governmental economic costs of transportation improvements.

G. Maximize the use of commute modes other than single occupancy vehicle through use of TDM, transportation systems management (TSM), and transportation facilities development (new and existing).

H. To assist employers in meeting the requirements of Rule 2202 of the Air Quality Management District (AQMD) and any subsequent federal, state or regional requirements, which mandate a diversion of employee dependency on the automobile. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2535: TRANSPORTATION MANAGEMENT ORGANIZATION:

Transportation Demand Management programs are largely implemented through the combined effort of members in an area-wide non-profit transportation management organization ("TMO"), a proactive organization formed so that employers, building owners, local government representatives and others can work together and collectively establish policies, programs and services to address local transportation problems. All developments and employers subject to the trip reduction requirements of this Plan shall be members of a non-profit TMO. The TMO would provide:

- Promotion of shuttle service
- Metrolink ticket and pass sales
- Computerized rideshare matching services
- Vanpool coordination
- Guaranteed ride home program
- Rule 2202 compliance assistance

The TMO shall work with its membership to achieve the trip reduction goals of this plan. The TMO shall report to the Community Development Director at least annually on the status of the programs and strategies of the TMO and its membership, and on p.m. peak-hour trip generation for all employees and developments subject to the TDM goals of this Plan, all to the satisfaction of the Director of Community Development. In addition to reporting the results of the trip reduction efforts of individual employers, the TMO shall report cumulative p.m. peak-hour trip generation for all employers and development subject to the TDM requirements of this plan to the satisfaction of the Director of Community Development.

Multi-family residential dwelling unit owners shall not be included in a TMO, unless units are contained within a mixed-use commercial residential project, in which the commercial development is subject to the TDM requirements of this plan. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2536: TRANSPORTATION MANAGEMENT STRATEGIES:

The following paragraphs describe some of the transportation management strategies which may be used by the TMO and Burbank Center developers and firms located within the Burbank Center Plan area to reduce peak-hour commute trips as required by this plan.

A. FLEX TIME AND MODIFIED WORK SCHEDULES.

Employers in the Burbank Center may set up programs to modify work schedules that require commuter travel between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. – 6:00 p.m. An analysis of office requirements should be undertaken to determine what staff functions are best served before 8:00 a.m. and those that are needed after 5:00 p.m. to handle deliveries, late mail-outs, contact with the public, etc.

B. VANPOOL PROGRAMS.

Employers located within the Burbank Center Plan area, with possible assistance from the TMO, can implement vanpool programs. Van procurement, vanpool matching, and vanpool fare subsidies are all examples of incentives and services employers could offer employees in their vanpool programs.

C. CARPOOLS.

Employers may actively foster and monitor carpool formation. To encourage carpooling among its employees, the employer could provide matching information, free parking or preferential parking locations and other incentives to its employees who carpool. The TMO can also assist employers in this effort. All employers who operate a carpool program shall report program results to the TMO for its annual report to the City.

D. TRANSIT RIDERSHIP AND BUS OPERATIONS.

Employers and/or the TMO may choose to promote programs to increase public transportation ridership. Such programs can include: transit route and schedule information, individual route planning and on-site transit pass sales.

Employers may also provide transit shelters or actual shuttle connections to various public transportation centers to make commuting by public transportation more convenient.

E. SATELLITE PARKING.

Employers and/or the TMO may choose to provide required parking outside of the Burbank Center at satellite locations linked to the Burbank Center by a reliable shuttle service. The Community Development Director will process applications for satellite parking according to procedures prepared by the Director. The Director's decision shall be appealable according to the provisions of the Development Review section of the Burbank Municipal Code.

The land costs to create satellite parking lots and structures could pose a significant hurdle to the use of this option. Consequently, a portion of the transportation fees charged to future development may assist in the funding of land acquisitions at transit centers in Burbank's downtown and in the Golden State project area in order to assist those employers who can assign their employees to park at these locations and take the shuttle around the Burbank Center.

F. NON-VEHICULAR COMMUTING.

Employers may encourage their employees to walk or bicycle to work by providing secure bike storage facilities, showers, lockers and offering monetary and other incentives for those non-vehicular means of commuting. Such other incentives include bicycle safety seminars, helmets, bicycle lights, free bicycle maintenance checks, and bicycle magazine subscriptions.

G. PARKING MANAGEMENT.

Parking management includes various strategies in which parking policies and management are used as an incentive to rideshare or disincentive to commute alone. One of the simplest strategies is to provide carpools and vanpools with the most desirable parking spaces at a reduced rate or for free. A more comprehensive parking management plan, however, might discourage driving alone through relatively high parking fees. Furthermore, instead of directly subsidizing parking costs, employers could offer an equivalent cash incentive if employees use another form of commuting, such as carpooling, vanpooling or public transportation.

Reductions in the amount of on-site parking required by Code may be permitted through the Conditional Use Permit process, with the applicant demonstrating sufficient vehicle trip reduction measures incorporated into the project to justify a decrease in required on-site parking including the use of satellite parking as discussed above.

H. MERCHANT TRANSIT INCENTIVES.

Burbank Center merchants can offer merchandise discounts, parking validation, transit coupons, valet parking for ridesharers, secure bike parking or other incentives to customers who arrive by public transportation, in carpools, vanpools or by non-vehicular modes.

I. TELECOMMUTING.

Burbank Center Plan area employers can institute telecommuting programs which allow certain employees to work at home or from off-site work centers at least one (1) or two (2) days a week. The Southern California Air Quality Management Plan proposes that telecommuting even one (1) or two (2) days a week could account for significant work trip reductions in the near future. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2537: EXISTING DEVELOPMENT:

As of July 1, 1998, firms employing more than 25 employees shall report to the TMO at least once per year the efforts made to reduce P.M. peak employee trips and the actual reduction achieved. For the purpose of the Burbank Center Plan, PM peak hour is from 4:00 p.m. to 6:00 p.m. The goal for all firms of 25 or more employees shall be a 2.2 percent reduction from the base rate in the peak hour employee trips by the year 2015. The base rate is the generation rate which corresponds with the appropriate land use in the City's Development Fee Ordinance. Applicants may also propose base trip generation rates using the procedure found in BMC 10-1-2221. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2538: NEW DEVELOPMENT:

The goal of the Burbank Center Plan is for new developments containing one (1) or more firms with 25 or more employees to achieve a reduction in peak hour (4:00 p.m. to 6:00 p.m.) trip generation required of pre-overlay zone development in the year the building is occupied. For example, ten (10) years after adoption of the Overlay Zone, existing firms should have reduced peak hour trips by 2.2 percent annually for a total peak hour trip reduction of 22 percent. Therefore, any new development of a 25-employee or greater firm must achieve a peak hour reduction in employee trip generation 22 percent lower than the base rates in the first year of occupancy. Thereafter, these new developments shall achieve the average 2.2 percent annual employee trip reduction in order to meet the 38 percent reduction goal by the year 2015. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2539: APPLICABLE DEVELOPMENTS:

Firms which employ fewer than 25 employees which are located in a single development owned and occupied by firms with over 25 employees will be considered as part of the larger firm and subject to the trip reduction and reporting requirements of this plan.

Buildings receiving a building permit after the effective date of this plan shall be subject to the same trip reduction and reporting requirements as any firm of 25 or more people. [Added by Ord. No. 3467, eff. 7/19/97.]

10-1-2540: TDM COORDINATOR:

All employers or developments subject to the requirements of this plan should have an on-site, trained transportation coordinator. This coordinator will be responsible for implementing all trip reduction efforts. [Added by Ord. No. 3467, eff. 7/19/97.]

ARTICLE 26. MAGNOLIA PARK COMMERCIAL ZONES

DIVISION 1. MAGNOLIA PARK COMMERCIAL RETAIL – PROFESSIONAL (MPC-1) ZONE AND MAGNOLIA PARK LIMITED BUSINESS (MPC-2) ZONE

10-1-2601: PURPOSE:

A. MPC-1 Zone.

The Magnolia Park Commercial Retail-Professional (MPC-1) Zone is intended for commercial, retail, and office uses geared towards a pedestrian-oriented village concept, including an allowance for residential uses above commercial uses on the same property.

B. MPC-2 Zone.

The Magnolia Park Limited Business (MPC-2) Zone is intended for the development of commercial uses that rely on both arterial traffic and the adjacent residential areas for patronage and for offices and mixed-use residential projects that support the larger community. [Added by Ord. No. 3502, eff. 12/26/98.]

10-1-2602: USES IN THE MPC-1 AND MPC-2 ZONES:

In the MPC-1 and MPC-2 Zones, uses are allowed as set forth in Section 10-1-502 of this Code. [Added by Ord. No. 3502, eff. 12/26/98.]

10-1-2603: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in the MPC-1 and MPC-2 Zones, except as noted:

A. STRUCTURE HEIGHT.

1. The maximum height of any structure shall be 27 feet from grade; except that at distances of less than 25 feet from a residential (or entirely residential Planned Development) lot line, no part of the structure, including roof and/or architectural features, shall exceed one (1) foot in height for each one (1) foot of distance.

2. If the structure is 25 or more feet from a residential (or entirely residential Planned Development) lot line, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle, as depicted in Diagram No. 1 in Section 10-1-705 is maintained.

3. Structure height shall be measured from grade as defined by this chapter.

4. Maximum building height shall be measured to the ceiling height of the highest room permitted for human occupancy.

5. By Conditional Use Permit, or by Planned Development if the structure is higher than 35 feet, the following stair-step height standard may be applied to the development of a structure located on any of the four (4) corner sites at the intersection of Magnolia Boulevard and Hollywood Way:

DISTANCE FROM
RESIDENTIAL LOT LINE
(OR ENTIRELY
RESIDENTIAL PD ZONE

MAXIMUM HEIGHT

- | | |
|---------------------|--|
| (i) 0 – 25 feet | 1 foot per 1 foot distance (for any part of the structure) |
| (ii) 25 – 50 feet | 25 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle, as depicted in Diagram No. 1 in Section 10-1-705, is maintained) |
| (iii) 50 – 150 feet | 35 feet (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle, as depicted in Diagram No. 1 in Section 10-1-705, is maintained) |
| (iv) over 150 feet | 50 feet, if pursuant to a Planned Development (roof and architectural features may exceed the maximum height, up to 15 additional feet, if a 45 degree angle, as depicted in Diagram No. 1 in Section 10-1-705, is maintained) |

B. OPEN SPACE.

1. Distance Requirements

Each lot that abuts or is adjacent to an R-1 or R-2 lot shall provide an open space area not less than 20 feet wide along the abutting or adjacent property line. Lots abutting R-3, R-4, or R-5 lots shall provide a minimum of ten (10) feet of open space along the property line.

2. Determination of Open Space

The open space area shall be measured from the residential lot line to the commercial structure. Public rights-of-way may be included within the calculation of such area.

3. Landscaping of Open Space

When the commercial property abuts or is adjacent to R-1 or R-2 property, a five (5) foot strip of the open space nearest to the residential property shall be landscaped, unless a public street or alley is utilized in the calculation of the open space. The landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space

Where the commercial property abuts an R-3, R-4, or R-5 property, the entire open space area may be utilized for surface parking.

C. BUILDING PLACEMENT AND ORIENTATION.

1. Build-to Line

The ground levels of all structures shall be built at the front property lines for a minimum of 80 percent of the linear frontage of the property within the MPC-1 Zone, and for a minimum of 80 percent of the linear frontage of the structure in the MPC-2 Zone. This requirement is intended to allow design flexibility, while at the same time promoting pedestrian activity by maintaining streetscape continuity. This requirement shall not apply where open-air restaurants are located between the building face and the front or side-street property line.

2. Orientation to Sidewalk

All structures and businesses therein, shall have a primary access way from the front sidewalk, except in multi-use buildings or where accesses to businesses are from a paseo or other such internal passageway.

3. Visibility

A minimum of 50 percent of the ground floor façade facing the front sidewalk shall be constructed of glass or other material that permits the interior of the business to be visible from a height of three (3) feet above the level of the adjacent sidewalk.

4. Parking Areas

Surface parking areas in the MPC-1 Zone shall be located behind the commercial structure and accessed solely from the adjacent side street or rear alley. In the MPC-2 Zone, surface parking areas may be located adjacent to and accessed from Hollywood Way if alternate access is not available; in which case, landscaping and walls shall be provided in accordance with other applicable code sections.

The design of parking structures shall follow the same standards and guidelines as are applicable to other structures. In the MPC-1 Zone, the ground-floor frontage of the parking structure shall be utilized for retail or other permitted uses, and shall have direct access to the sidewalk. While the incorporation of pedestrian-oriented uses on the ground level of a parking structure adjacent to the sidewalk is also encouraged in the MPC-2 Zone, such enclosed building space may be utilized for parking; in such case, the requirement to provide visibility to the inside of the building from the sidewalk shall not apply. In both zones, parked vehicles shall be screened from public view.

In the MPC-1 Zone, vehicular access to parking structures shall be solely from the adjacent side street or rear alley. In the MPC-2 Zone, direct vehicular access from Hollywood Way to a parking structure shall be permitted only if the Traffic Engineer determines that other vehicular access is infeasible.

D. CENTRAL MAGNOLIA PARK PARKING AREA (MPC-1).

Within the MPC-1 Zone, required off-street parking spaces may be provided through one (1) or a combination of the following methods:

1. Provide the spaces on the same property as the use for which it is required.

2. Off-street parking spaces that are not required by other uses may be utilized in accordance with Article 14, Division 3 of this Chapter (location of parking areas).

3. Off-street parking spaces located on a single parcel may be shared between two (2) or more uses occupying that same parcel, or between uses on two (2) or more parcels; provided that:

a. A parking study prepared by a licensed traffic engineer, and approved by the City Planner, is submitted which finds that (i) the uses which are proposed to be served by the parking have traffic-generation characteristics that justify the expectation that adequate parking will be available; or (ii) that the characteristics and proximities of the businesses are such that multiple-destination trips would be expected to occur, which would reduce the number of spaces required; and,

b. All parties to a shared parking arrangement granted under this section, shall enter into a covenant with the City which shall be recorded in the Office of the County Recorder. This covenant shall bind this parking arrangement until such time that it can be demonstrated, to the satisfaction of the City Planner, that other off-street parking has been provided in compliance with the Burbank Municipal Code requirements, or that the use that necessitated the arrangement has ceased or has been altered so as to no longer require the recorded off-street parking.

4. By Administrative Use Permit, the Director of Community Development may allow a reduction in the minimum off-street parking space requirement of a business located within the MPC-1 Zone, based upon a study that proves to the satisfaction of the Director (or the Planning Board or the City Council, if appealed) that the demand for parking generated by the subject use can be accommodated by the existing supply of available parking within the zone. Restaurants up to 2,000 square feet in size may have their parking requirement reduced per Section 10-1-1408.

5. Restaurants providing valet parking at no charge to customers may provide required off-street parking spaces within a 300 foot radius of the site, upon demonstrating to the satisfaction of the City Planner that such off-site parking is available during the restaurant's business hours.

E. BUILDING DESIGN.

The following guidelines are intended to encourage and reinforce the pedestrian orientation of the commercial streets through the establishment of a "traditional" relationship of storefronts to the street. Some of the following building design provisions are requirements and some are only voluntary guidelines. A "traditional" pedestrian-oriented architectural form includes the following:

1. Storefronts

In addition to the other building design requirements of this section which are intended to strengthen and reinforce the pedestrian-oriented qualities of the area (i.e., transparency, build-to line, height, and access), all new development shall incorporate the use of canopies and/or awnings into the design of the storefront elevation.

Various other design features are encouraged to be used to achieve a pedestrian-oriented development, including: the modest use of architectural ornamentation, such as decorative cornices, belt molding, and contrast banding; a simple parapet roof type; the placement of signage at the pedestrian level; recessing the building entryway; and incorporating a bulkhead with tile or other decorative or enhanced materials into the building design.

2. Building Style, Materials and Colors

The style and texture of new buildings are encouraged to be consistent with the guidelines included in the Magnolia Park Study, and to be compatible with surrounding buildings through the use of the predominant materials found in the area. Materials such as slump stone, board and batten, wood or composition shingles, and expanded metal screening, which have been added to some of the older buildings in the area, are not encouraged in new construction.

In general, it is encouraged that colors recall natural materials (e.g., brick, stone) and be generally subdued. The use of simple color schemes involving a maximum of three colors is recommended, as is the use of monochromatic and complementary accent and trim colors. The use of bold primary colors (pure reds, yellows, blues) is not recommended for building facades except for accent elements, and bright or garish colors should not be used in any application.

3. Building Access and Circulation

The sidewalk entry to all new buildings shall be designed to provide a direct and convenient access to all ground level uses, and shall include a recessed area to provide a small transitional space from the sidewalk to the business.

The incorporation of pedestrian pass-throughs, or paseos, is encouraged as a means of providing areas where outdoor pedestrian activities may occur, and for direct access to the street from rear parking areas. Larger projects are encouraged to include small court spaces, plazas, fountains and landscape features, and other common spaces.

F. ADDITIONAL STANDARDS.

The standards contained in Articles 11 through 16 of this Chapter also apply to the MPC-1 and MPC-2 zones. In the event of any conflict between the requirements contained in Articles 11 through 16 and the other requirements of this Section, the requirements of this Section rule. [Added by Ord. No. 3502, eff. 12/26/98; Amended by Ord. No. 3776, eff. 4/2/10; 3716.]

10-1-2604: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected on any lot in the MPC-1 and MPC-2 Zones, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided for in Division 2, Article 19 of this Chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3502, eff. 12/26/98.]

DIVISION 2. MAGNOLIA PARK GENERAL BUSINESS (MPC-3) ZONE

10-1-2611: PURPOSE:

The Magnolia Park General Business (MPC-3) Zone is intended for general commercial uses that provide goods and services to the surrounding residential areas, and for office and mixed-use complexes that are compatible with adjacent land uses. [Added by Ord. No. 3502, eff. 12/26/98.]

10-1-2612: USES IN THE MPC-3 ZONE:

In the MPC-3 Zone, uses are allowed as set forth in Section 10-1-502 of this Code. [Added by Ord. No. 3502, eff. 12/26/98.]

10-1-2613: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply in the MPC-3 Zone:

A. STRUCTURE HEIGHT.

1. The maximum height of any structure shall be 27 feet from grade; except that at distances of less than 25 feet from a residential (or entirely residential PD) lot line, no part of the structure, including roof and/or architectural features, shall exceed one (1) foot in height for each one (1) foot of distance.

2. If the structure is 25 or more feet from a residential (or entirely residential Planned Development) lot line, roof and architectural features may exceed the maximum height, up to 35 feet, if a 45 degree angle, as depicted in Diagram No. 1 in Section 10-1-606 (D), is maintained.

3. Structure height shall be measured from grade as defined by this chapter.

4. The maximum height of a building shall be measured to the ceiling height of the highest room permitted for human occupancy.

B. OPEN SPACE.

1. Distance Requirements

Each lot that abuts or is adjacent to an R-1 or R-2 lot shall provide an open space area not less than 20 feet wide along the abutting or adjacent property line. Lots abutting R-3, R-4, or R-5 lots shall provide a minimum of ten (10) feet of open space along the property line.

2. Determination of Open Space

The open space area shall be measured from the residential lot line to the commercial structure. Public streets and alleys may be included within the calculation of such area.

3. Landscaping of Open Space

When the commercial property abuts or is adjacent to R-1 or R-2 property, a five (5) foot strip of the open space nearest to the residential property shall be landscaped, unless a public street or alley is utilized in the calculation of the open space. The landscaping is intended to provide screening between the different zones.

4. Parking Allowed in Open Space

Where the commercial property abuts an R-3, R-4, or R-5 property, the entire open space area may be utilized for parking.

C. BUILDING PLACEMENT AND ORIENTATION.

1. Build-to Line

The ground levels of all structures shall be built at the front property lines for a minimum of 80 percent of the linear frontage of the structure. This requirement is intended to allow design flexibility, while at the same time promote pedestrian activity by maintaining continuity of the streetscape. This requirement shall not apply where open-air restaurants are located between the building face and the front or side-street property line.

2. Orientation to Sidewalk

All structures and businesses therein, are encouraged to have a primary access way from the front sidewalk, except in multi-use buildings or where accesses to businesses may be from a paseo or other such internal passageway.

3. Visibility

A minimum of 50 percent of the ground floor façade facing the front sidewalk shall be constructed of glass or other material that permits the interior of the business to be visible from a height of three (3) feet above the level of the adjacent sidewalk.

4. Parking Areas

Surface parking areas shall not be located between an arterial street and the building that it serves. Where surface parking areas are located at the side of the building, and adjacent to a sidewalk, landscaping and walls shall be provided in accordance with Article 14, Division 4 of this Chapter.

The design of parking structures shall follow the same standards and guidelines as are applicable to other structures. While the incorporation of pedestrian-oriented uses on the ground level of a parking structure adjacent to the sidewalk are encouraged, such enclosed building space may be utilized for parking; in such case, the requirement to provide visibility to the inside of the building from the sidewalk shall not apply. Additionally, all vehicles parked within structures shall be screened from public view.

D. BUILDING DESIGN.

The following design guidelines, along with the requirements of this section pertaining to building placement, are intended to encourage and reinforce the pedestrian nature of the commercial street, and to ensure that automobile-accessed structures do not detract from the pedestrian-friendly orientation of the area. All of the following provisions are only voluntary guidelines.

1. Storefronts

In addition to the other building design requirements of this section which are intended to strengthen and reinforce the pedestrian-oriented qualities of the area (i.e., transparency, build-to line, height, and access), other design features may be used to achieve a pedestrian-

oriented development, including: the use of awnings and canopies that are consistent with the building design; the modest use of architectural ornamentation, such as decorative cornices, belt molding, and contrast banding; a simple parapet roof type; the placement of signage at the pedestrian level; recessing the building entryway; and incorporating a bulkhead with tile or other decorative or enhanced materials into the building design.

2. Building Style, Materials and Colors

The style and texture of new buildings are encouraged to be consistent with the guidelines included in the Magnolia Park Study, and to be compatible with surrounding buildings through the use of the predominant materials found in the area. Materials such as slump stone, board and batten, wood or composition shingles, and expanded metal screening, which have been added to some of the older buildings in the area, are not encouraged in new construction.

In general, colors should recall natural materials (e.g., brick, stone) and be generally subdued. The use of simple color schemes involving a maximum of three (3) colors is recommended, as is the use of monochromatic and complementary accent and trim colors. The use of bold primary colors (pure reds, yellows, blues) are not recommended for building façades except for accent elements, and bright or garish colors are discouraged in any application.

3. Building Access and Circulation

Building entries shall be designed to provide convenient access to ground floor businesses from the adjacent sidewalk. The incorporation of pedestrian pass-throughs, or “paseos”, is encouraged as a means of providing areas where outdoor pedestrian activities may occur, and for direct access to the street from rear parking areas. Larger projects are encouraged to include small court spaces, plazas, fountains and landscape features, and other common spaces.

E. ADDITIONAL STANDARDS.

The standards contained in Articles 11 through 16 of this Chapter also apply to the MPC-3 Zone. In the event of any conflict between the requirements contained in Articles 11 through 16 and the other requirements of this Section, the requirements of this Section rule. [Added by Ord. No. 3502, eff. 12/26/98; Amended by Ord. No. 3716, eff. 9/23/07; 3548.]

10-1-2614: DEVELOPMENT REVIEW:

Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected on any lot in the MPC-3 Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided for in Division 2, Article 19 of this Chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits. [Added by Ord. No. 3502, eff. 12/26/98.]

DIVISION 3.

[Deleted by Ord. No. 3700, eff. 9/2/06; Added by Ord. No. 3502, eff. 12/26/98.]

ARTICLE 27: NORTH SAN FERNANDO COMMERCIAL ZONE

DIVISION 1: INTRODUCTION

10-1-2701: PURPOSE, INTENT, AND APPLICABILITY:

A. Purpose: The purpose of the North San Fernando Commercial Zone is to facilitate the implementation of a Vision and Master Plan that was developed for the segment of North San Fernando Boulevard between Interstate 5 and Burbank Boulevard. New development standards were needed for this area because the zoning standards under the previous zone (C-3 Commercial Zone) would not allow property owners to fully implement the Vision and Master Plan. The Vision and Master Plan call for the creation of an attractive commercial and mixed-use corridor that encourages walking, bicycling, and public transit.

B. Intent: The North San Fernando Commercial Zone is intended to ensure that new development results in high-quality architecture, encourages pedestrian activity, and provides appropriate transitions in scale and use between North San Fernando Boulevard and the adjacent residential neighborhoods. These standards are also intended to accommodate many types of commercial, mixed-use, live-work and residential developments within the area, and to facilitate economic development along the primary commercial corridor linking the Empire Center to the Burbank Town Center and Downtown Burbank.

C. Applicability: The provisions of this Article shall apply to projects within the North San Fernando Commercial Zone based on the conditions noted below:

1. New Buildings and Site Improvements: When a new building is proposed, all areas of the property that are modified or demolished to accommodate the new building (including related site features) shall be constructed/reconstructed in compliance with the applicable provisions of this Article. Other areas that are not impacted by the new construction project, including existing buildings, signs, parking facilities, and other site features, may stay in place without modification and do not have to be upgraded or improved to comply with the provisions of this Article.

2. Improvements to Nonconforming land, Uses and Structures: Within the North San Fernando Commercial Zone, there are lots, structures, and uses of land and structures that were lawfully established before the adoption of this Article, but which do not comply with the provisions of this Article. These structures and uses are classified as legal nonconforming structures and uses. Improvements, modifications, and expansions to legal non-conforming structures and uses shall be regulated in accordance with Article 18 (Nonconforming Land, Uses and Structures).

10-1-2702: DEVELOPMENT REVIEW:

A. Development Review: Unless specifically exempted by Section 10-1-1914 of this Code, no structure shall be erected in the North San Fernando Commercial Zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Community Development Director, as provided in Division

2, Article 19 of Burbank Zoning Ordinance. These permits include, but are not limited to, site preparation permits (such as demolition permits and grading permits).

B. Terms: Within this article, various terms are used to denote mandatory standards that must be implemented. When mandatory, the terms “shall”, “required”, and “prohibited” are used. Projects that do not comply with all applicable mandatory standards shall be denied by the Community Development Director. Some terms and phrases, such as “may” or “allowed” are used to describe optional solutions or design elements that are not required, but may be used. Other terms denote discretionary guidelines, such as “should”, “encouraged”, and “discouraged”. If the Community Development Director determines that a project does not comply with an applicable discretionary guideline, he/or she may:

1. Approve the application with conditions to address the guideline or the purpose and intent of the guideline.

2. Approve the application by finding that the discretionary guideline is not applicable and/or its implementation is not required to create a high quality project that meets the overall intent and purpose of this Article.

C. The following sections of the Burbank Zoning Ordinance shall not apply to the North San Fernando Boulevard Zone:

1. 10-1-1103: Lot to Have Frontage
2. 10-1-1303: Corner Cutoff
3. 10-1-1113.1: Commercial and Industrial Design Standards
4. Division 4, Multiple Family Residential Zones
5. 10-1-1408: Parking Requirements: Spaces Required: Residential Uses
6. 10-1-1417.1: Improvement of Parking Areas: Setbacks and Walls
7. 10-1-1417.2: Improvement of Parking Areas: Parking Lots Abutting and Adjacent to Residential Zones.
8. 10-1-1419: Improvement of Parking Areas: Parking Structures
9. Article 12: General Yards and Space Standards

The above sections do not apply because this Article contains more specific standards that address the topics and issues contained in the sections listed above.

D. Other sections of the Burbank Zoning Ordinance may apply to the North San Fernando Boulevard Zone if they are applicable to the lot or project. If a provision of this Article is in conflict with another provision of the Burbank Zoning Ordinance, the provision in this article shall apply.

E. Diagrams, graphics, and images are provided in this Article to help explain or illustrate various standards. Diagrams, graphics, and images that show a design solution are provided for illustrative purposes and are not meant to show the only possible configuration or design to comply with a development standard.

F. Exceptions: An exception is a modification or a waiver from a specific design standard within this Article. Exceptions may only be granted to design standards and cannot be applied to land use standards. Project applicants may request exceptions to design standards within this Article. The fee and application requirements for an exception equal the fee and application requirements for a variance. Projects that require exceptions must be approved by the Planning Board in accordance with the process outlined in Sections 10-1-1920 through 10-1-1929. The Planning Board may only approve projects with exceptions if the following findings are made and supported by evidence in the public record:

1. The proposed building(s) and site design features are of exceptional quality and warrant the approval of a project that would otherwise not be allowed by this Article.

2. The proposed project will contribute to a more attractive commercial and/or mixed-use corridor.

3. The project provides appropriate transitions in scale and use between North San Fernando Boulevard and the adjacent residential neighborhoods.

4. The project will have no adverse effect on surrounding properties with regard to health, safety, or welfare.

5. The project is consistent with the overall purpose and intent of this Article (see Section 10-1-2701: Purpose, Intent, and Applicability).

Anyone, including the applicant and members of the public, may appeal the decision of the Planning Board to the City Council in accordance with Sections 10-1-1927 through 10-1-1929.

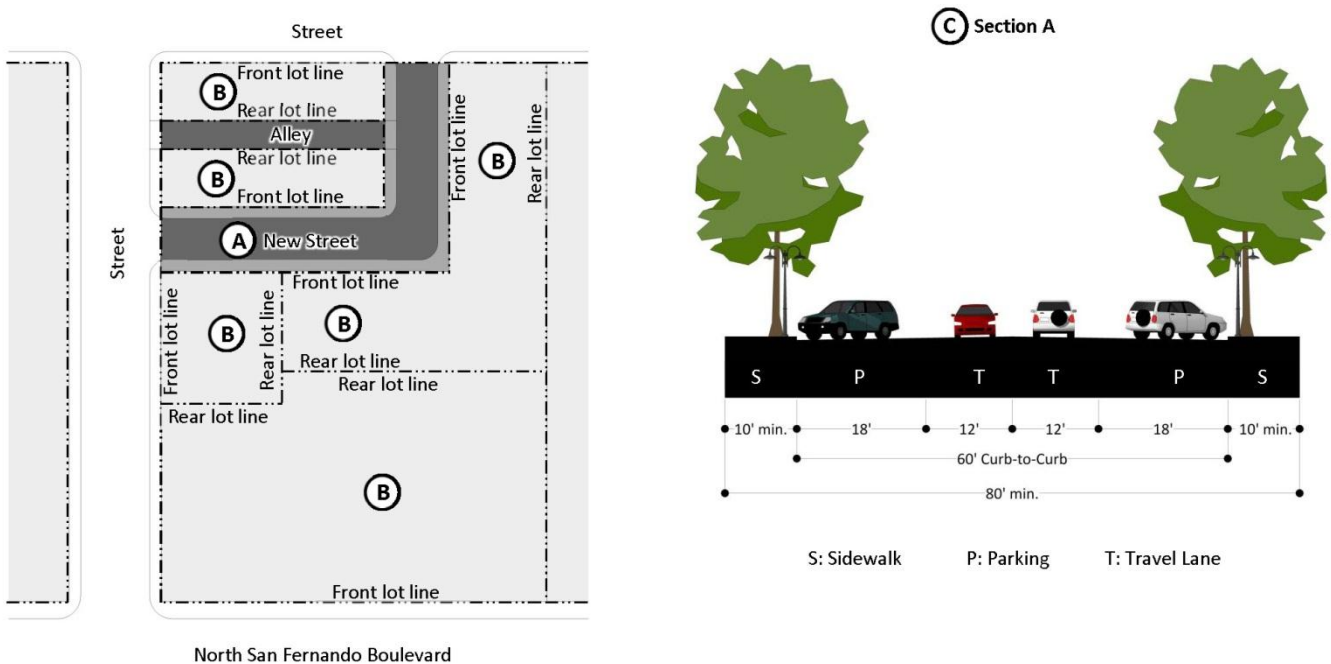
DIVISION 2: SITE STANDARDS

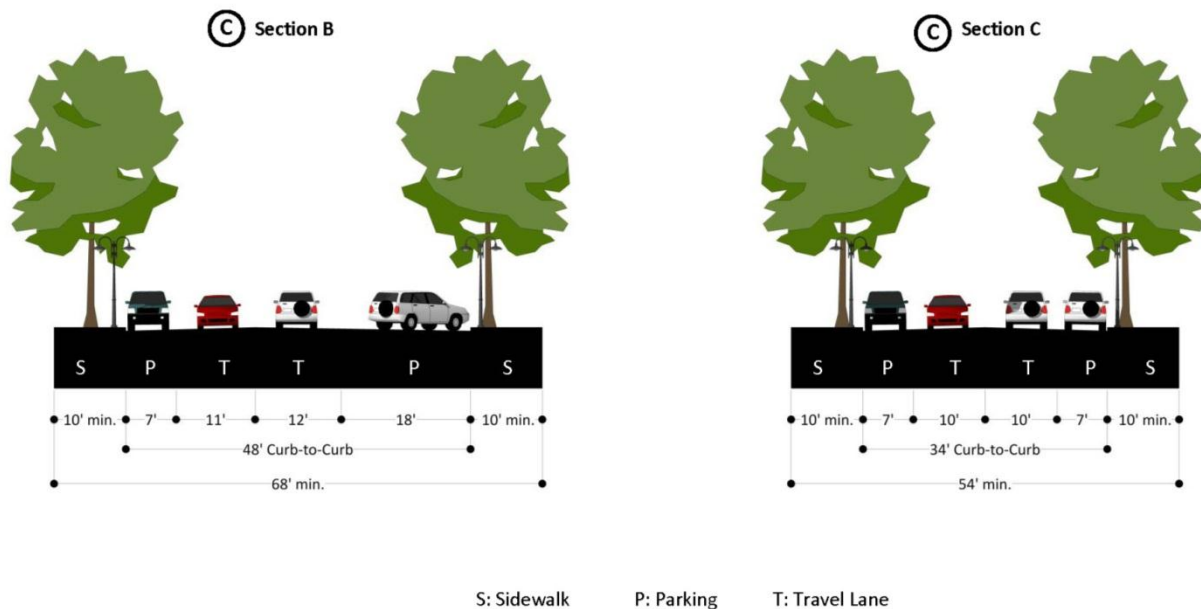
10-1-2703: NEW STREETS AND BLOCKS:

A. Where space permits, new streets may be developed through a site to create smaller blocks that facilitate a more pedestrian-friendly environment. Cul-de-sac, hammer-head, and dead-end streets are prohibited.

B. If new blocks are created, each development site on the block shall have a front lot line along a street and a rear lot line that is either shared with an adjacent lot or an alley. When new blocks are created, rear lot lines shall not be allowed along streets.

C. New streets shall be designed to comply with one of the following street sections:





D. Gates that prevent public access onto new streets and alleys (private or public) are prohibited.

E. Unless the City elects to acquire the street right-of-way, new streets and alleys shall be privately owned and maintained.

F. New streets (public or private) shall be designed to comply with the Department of Public Works Standard Plans. The Public Works Director may waive or modify certain standards to create privately-owned and maintained streets with unique design features, such as pervious pavers and low-impact development features for stormwater runoff.

G. On new streets, trees shall be spaced at an average of 30' on center. The selected tree species shall be approved by the Park, Recreation, and Community Services Director.

H. Street trees shall be located in landscaped strips between the sidewalk and curb or tree wells that are placed along the curb. Landscape strips shall be at least 4.5' wide (as measured from the back of curb) and shall be improved with drought tolerant plants and professional grade mulch. Tree wells shall be landscaped with drought tolerant plants, filled with decomposed granite or professional-grade mulch, or covered with a tree grate.

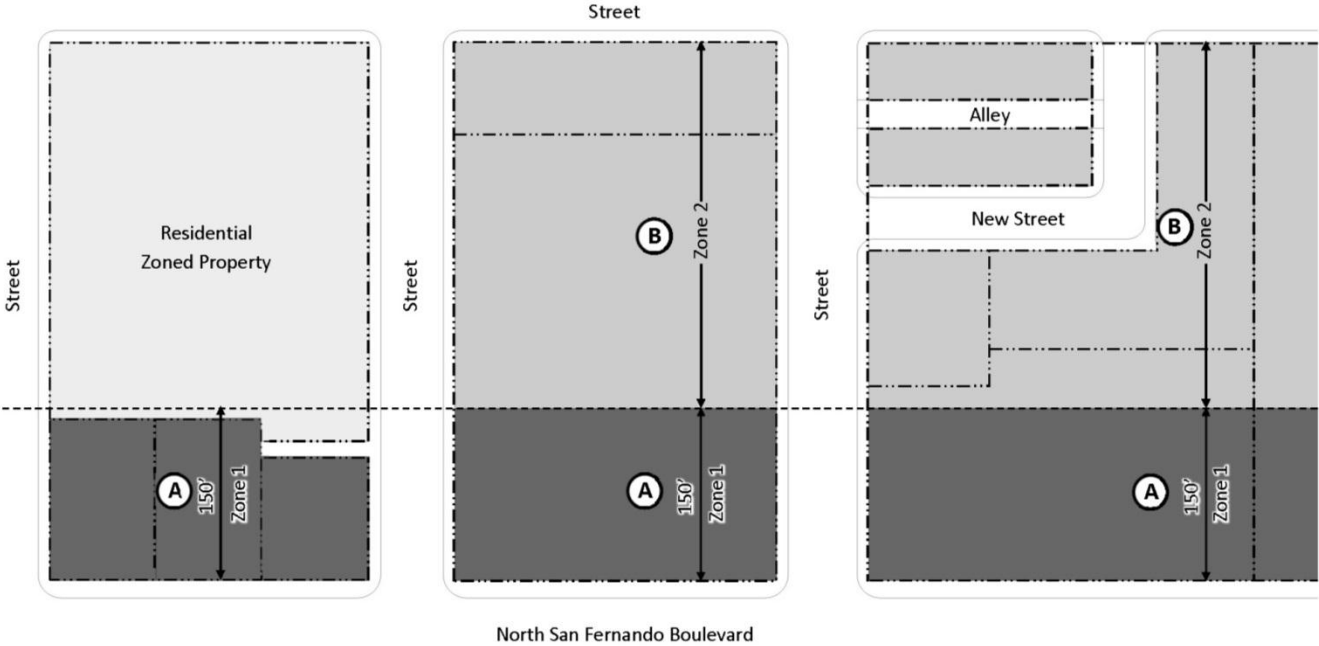
I. New streets shall be improved with the pedestrian-scaled street light (lights with a maximum height of 14') selected for the North San Fernando Boulevard Master Plan Area (or a similar light fixture approved by the Burbank Water and Power Director (or designee)). This standard does not restrict the use of taller roadway safety lights at intersections.

J. The spacing of streetlights shall be determined based on the City's lighting requirements for public streets and the specifications for the selected street light.

10-1-2704: SITE ZONES:

A. For the purposes of organizing the site, the area of the lot that is within 150' of the North San Fernando Boulevard right-of-way shall be designated as Zone 1.

B. The area of the lot that is more than 150' from the North San Fernando Boulevard right-of-way (if any) shall be designated as Zone 2.

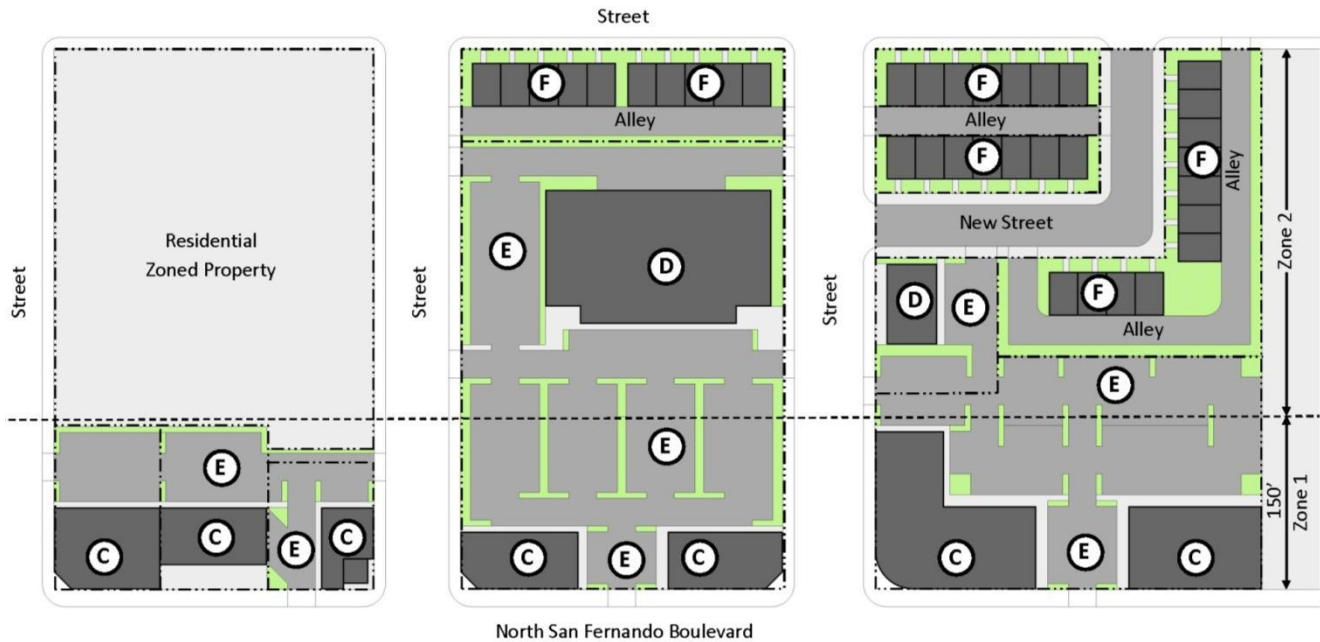


C. Zone 1 shall be developed with one or more Storefront Buildings that front North San Fernando Boulevard (see Section 10-1-2706).

D. Zone 2 may be developed with one or more Commercial Buildings (see Section 10-1-2707). Areas of Zone 2 that are adjacent to a street (existing or new) may also be developed with Storefront Buildings (see Section 10-1-2706).

E. Parking lots are allowed in both Zone 1 and Zone 2. In Zone 1, surface parking lots are prohibited in front of Storefront Buildings. On corner lots, parking lots are also prohibited between the street-facing side facade of the Storefront Building and the side street.

F. With the approval of an Administrative Use Permit and subject to the Horizontal Mixed-Use Site Design Standards in Section 10-1-2705, Zone 2 may be developed with Townhomes (see Section 10-1-2708) and/or Live-Work Units (see Section 10-1-2709).



G. With the approval of a Conditional Use Permit, an automobile service station may be developed on properties that are within 400' of an Interstate 5 on-ramp or off-ramp. Automobile service stations do not have to comply with the design standards for Storefront Buildings. In addition, Standard E of this section does not apply to automobile service stations. Design standards for automobile service stations, including building heights and setbacks, shall be established through the CUP process. Applicable standards in Division 4 of this Article may apply to automobile service stations as a condition of project approval.

H. Zone 1 shall be developed with one or more Storefront Buildings before or during the development of any new buildings in Zone 2. This standard may be waived by the Community Development Director if adequate land is reserved to allow for the future development of Storefront Buildings in Zone 1. This standard does not apply to a development project that would expand or modify an existing building that was established prior to the adoption of this Article.

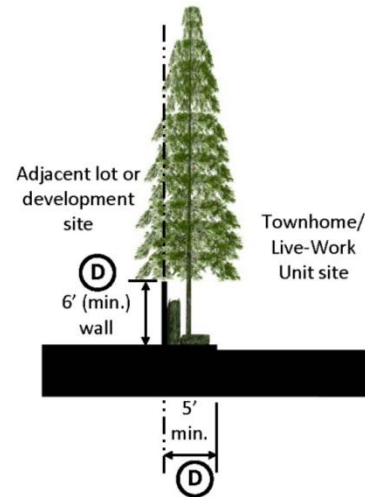
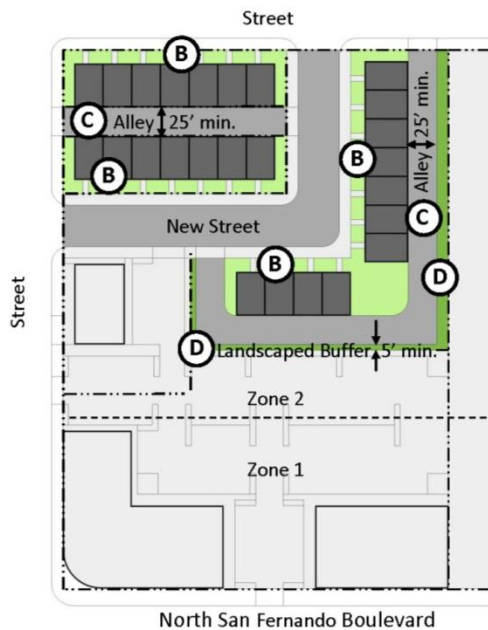
10-1-2705: HORIZONTAL MIXED-USE SITE DESIGN STANDARDS:

A. With the approval of an Administrative Use Permit, horizontal mixed-use projects may be developed. These projects would combine Townhomes and/or Live-Work Units with Storefront Buildings and/or Commercial Buildings. The commercial and residential uses would be arranged "horizontally" on the site, rather than "vertically" within the same building.

B. Within a horizontal mixed-use project, all Townhomes and Live-Work Units shall front a street (existing or new).

C. All Townhomes and Live-Work Units shall be served by a rear alley that provides access to the unit's garage. Alleys shall be at least 25' wide. Dead-end alleys are prohibited.

D. A landscaped buffer shall be located along the interior edges of the Townhome/Live-Work Unit site (excludes exterior edges along an existing street or new street). The landscaped buffer shall be at least 5' wide and shall contain a decorative masonry wall along the common lot line and a row of evergreen trees to screen views to and from the adjacent lots. The decorative masonry wall shall be at least 6' tall. The requirement for the evergreen trees and the decorative wall may be waived by the Community Development Director if those features are already provided on the adjacent site.



DIVISION 3: BUILDING STANDARDS



Storefront Building



Live-Work Units



Commercial Building



Townhomes

10-1-2706: STOREFRONT BUILDINGS:

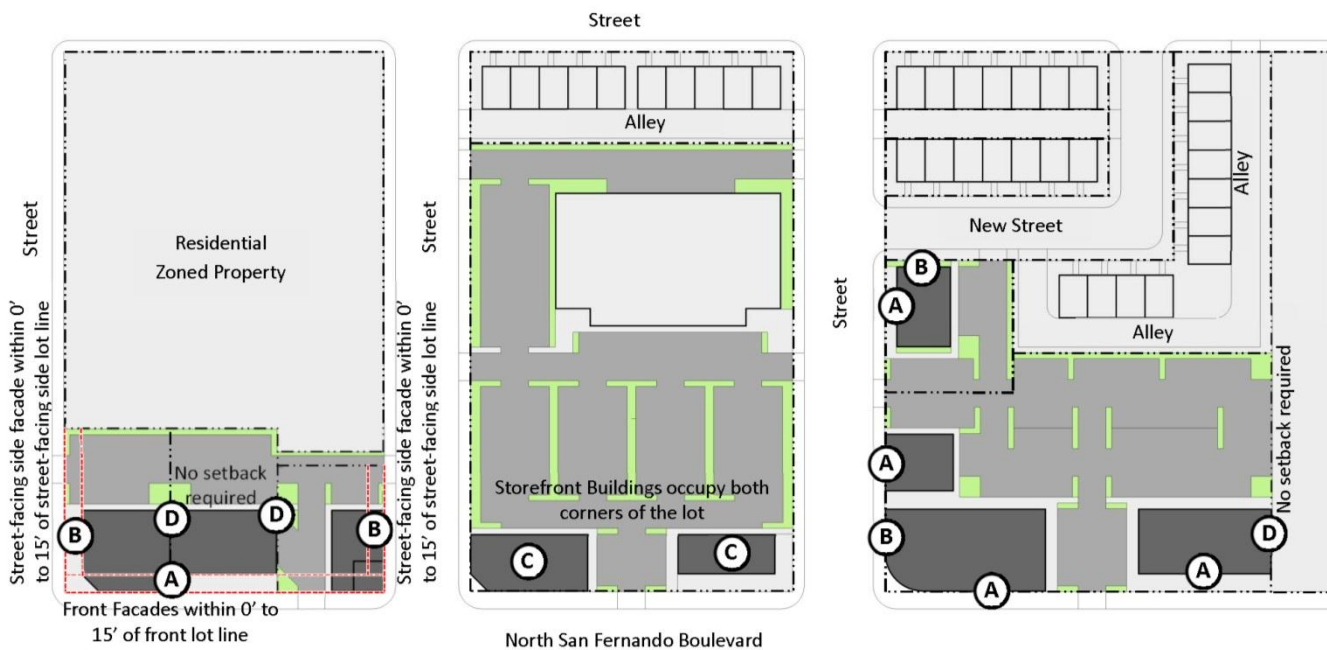
10-1-2706.1: DESCRIPTION:

A. A Storefront Building is a single or multi-story building that is placed along or near a public sidewalk. The front facade contains ground floor storefronts that support commercial businesses. If provided, upper floors may contain commercial office space or residential apartments or condominiums (with the approval of an Administrative Use Permit pursuant to Section 10-1-2706.8).



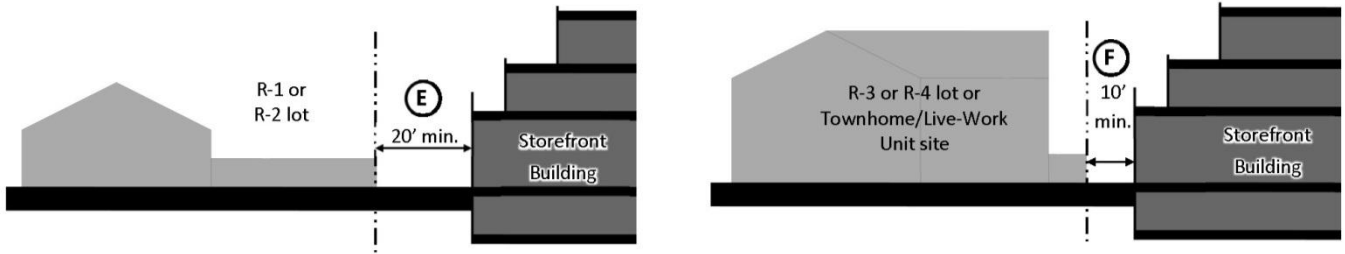
10-1-2706.2: BUILDING PLACEMENT:

- A. The front facade of Storefront Buildings shall be located within 0' to 15' of the front lot line.
- B. On corner lots, a Storefront Building shall be required at the street corner of the lot. The street-facing side facade of the building shall be located within 0' to 15' of the street-facing side lot line (the side lot line adjacent to the street).
- C. If a lot has two street corners along North San Fernando Boulevard, both street corners of the lot shall be occupied by a Storefront Building in compliance with standards A and B.
- D. Setbacks are not required from rear and side lot lines that are shared with alleys, lots within a non-residential zoning district, and lots within the North San Fernando Boulevard Zone. However, within a horizontal mixed-use project, setbacks are required from Townhome/Live-Work Unit sites (see Standard F below).



- E. Storefront Buildings shall be set back at least 20' from rear and side lot lines that are shared with lots zoned Single Family Residential (R-1) and Low Density Residential (R-2).²
- F. Storefront Buildings shall be set back at least 10' from Townhome/Live-Work Unit sites (see Section 10-1-2705) and rear and side lot lines that are shared with lots zoned Medium Density Residential (R-3) and High Density Residential (R-4).¹

² Additional step-back requirements may be required based on the height of the building and its distance from the residential lot line (see Standard H in Section 10-1-2706.4).

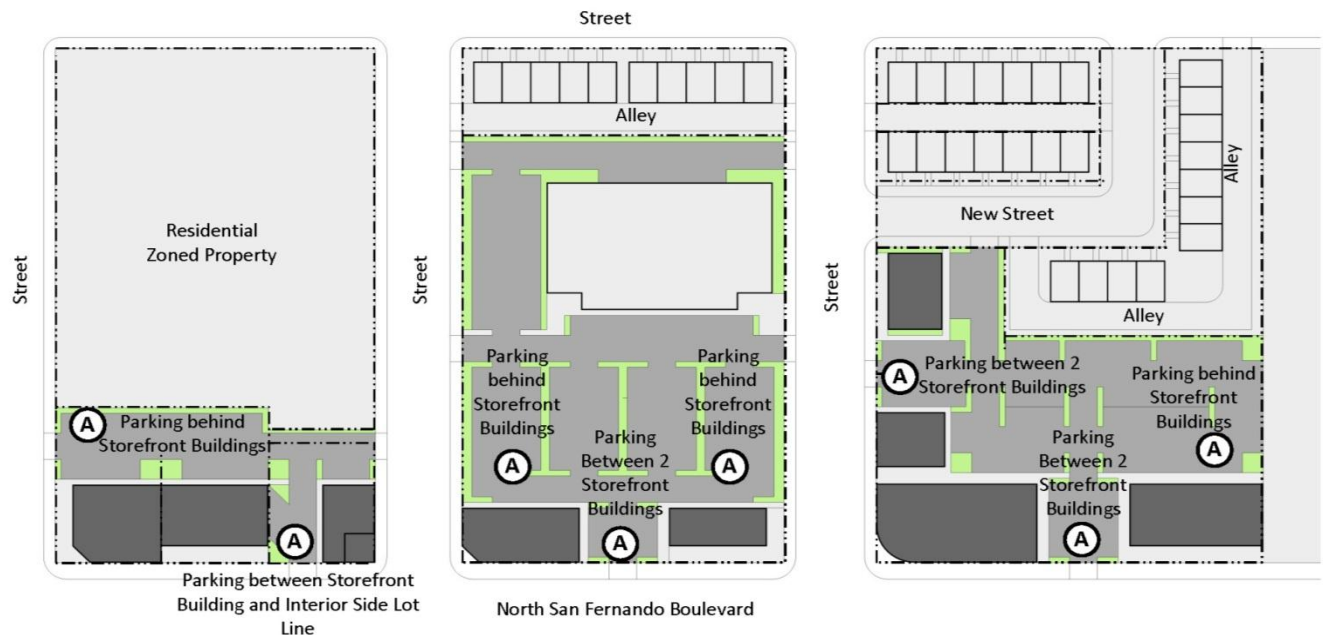


10-1-2706.3: PARKING LOCATIONS, OFF-STREET LOADING, AND GARBAGE/RECYCLE STORAGE:

A. Surface parking lots are prohibited between front facades and sidewalks and between street-facing side facades and sidewalks. They are allowed behind Storefront Buildings, between two Storefront Buildings on the same lot, and between a Storefront Building and an interior side lot line.

B. Surface parking lots, including parking lot landscaping, shall be designed in compliance with Divisions 1 and 4 of Article 14 (General Off Street Parking Standards) with the following exceptions:

1. Section 10-1-1417.1 (Setbacks and Walls) shall not apply.
2. Section 10-1-1417.2 (Parking Lots Abutting and Adjacent to Residential Zones) shall not apply.

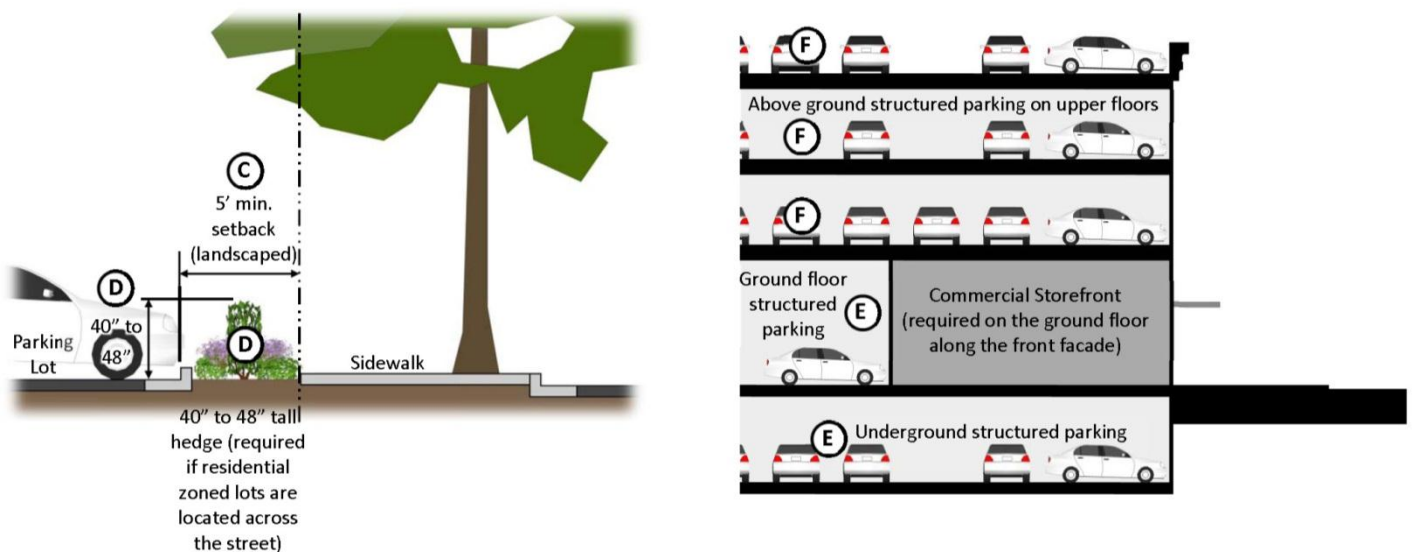


C. All surface parking lots shall be set back at least 5' from front and street-facing side lot lines. This setback shall be landscaped.

D. When a parking lot is located across the street from a residential zoned lot, a hedge with a height of 40" to 48" (as measured from the grade of the parking lot) shall be located within the landscaped setback of the parking lot. This standard may be waived or reduced by the Community Development Director if the parking lot is set below the elevation of the adjacent sidewalk. The hedge height shall be reduced where needed to comply with Section 10-1-2714 (Corner Cutoff).

E. Underground/partially underground structured parking and ground floor structured parking is allowed in Storefront Buildings. However, parking is prohibited on the ground floor along the front facade, as commercial storefronts are required in this location.

F. Above ground structured parking on upper floors may be permitted within Storefront Buildings with the approval of a Conditional Use Permit.



G. Parking structure facades shall comply with the design standards in Section 10-1-2710.2 (Parking Structure Facades).

H. To the extent feasible, vehicle access to structured parking should not be provided on the front facade of Storefront Buildings.

I. Shared driveways that provide access to multiple lots within a block are encouraged to minimize curb cuts along sidewalks.

J. Off-street loading spaces shall be required in compliance with Article 15 (General Off-Street Loading Standards) with the following exception:

1. The off-street loading standards may be waived or reduced by the Community Development Director if an on-street delivery zone is provided adjacent to the lot. The on-street delivery zone shall have a yellow curb and signage that restricts regular parking during daytime business hours (7:00 a.m. to 6:00 p.m.). Street trees shall be pruned to maintain at least 14' of vertical clearance above the on-street delivery zone. The businesses and/or property owners that utilize the on-street delivery zone shall reimburse

the City for related maintenance expenses, such as curb painting, the replacement of signs, and tree pruning.

K. Garbage/recycle storage areas shall be located within the interior of the building, within a building recess located along a rear or interior side facade, or within a trash enclosure that is located within a parking lot adjacent to the rear facade or interior side facade. If the lot abuts an alley, the garbage/recycle storage area shall be accessible from the alley.

L. Trash enclosures shall be designed to comply with the following standards:

1. Trash enclosures shall be set back at least 5' from rear and side lot lines that are shared with Townhome/Live-Work Unit sites (see Section 10-1-2705), and lots zoned Medium Density Residential (R-3) and High Density Residential (R-4). This setback shall be landscaped.

2. Trash enclosures shall be set back at least 40' from front and street-facing side lot lines.

3. All sides of the trash enclosure (excluding the door opening) shall consist of masonry walls that are at least 6' tall. A solid metal door (or doors) with a height of at least 6' shall provide access to the enclosure. The door(s) shall not swing open into driveway aisles, parking spaces, walkways, or alleys.

4. The design of trash enclosures shall be compatible with the architecture of buildings on the site.

5. Trash dumpster lids shall be non-metallic.

10-1-2706.4: BUILDING MASS AND HEIGHT:

A. The maximum width of a Storefront Building shall be 250'.

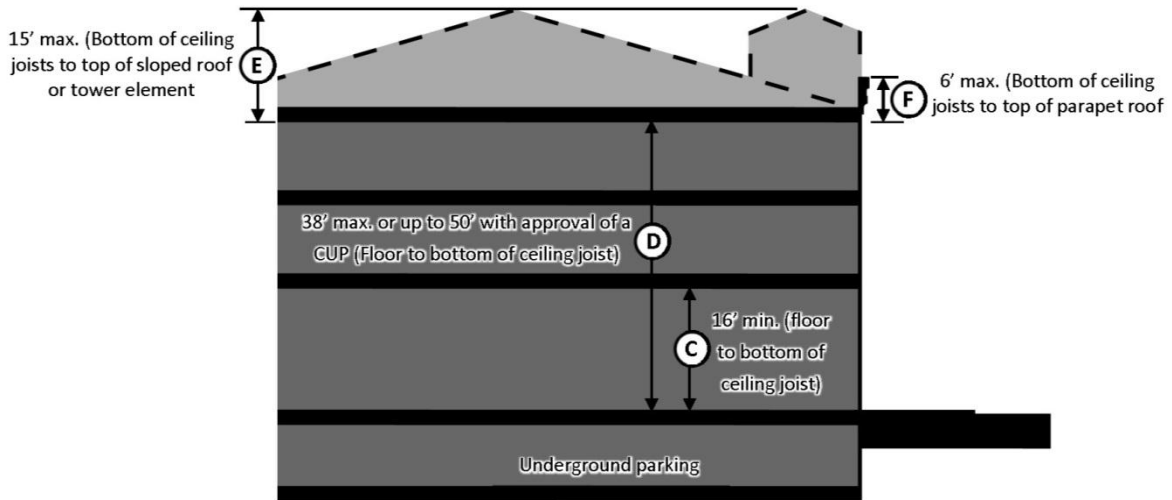
B. The maximum depth of a Storefront Building shall be 150'.

C. The ground floor shall have a ceiling height of at least 16' (as measured from the elevation of the ground floor to the elevation of the bottom of the ceiling joist).

D. The maximum building height shall be 38' (as measured from the elevation of the ground floor to the elevation at the bottom of the upper floor ceiling joist). With the approval of a Conditional Use Permit, this height may increase to 50'. If the building is located at least 300' from an R-1 or R-2 lot line, this height may increase to 70' (with a Conditional Use Permit).

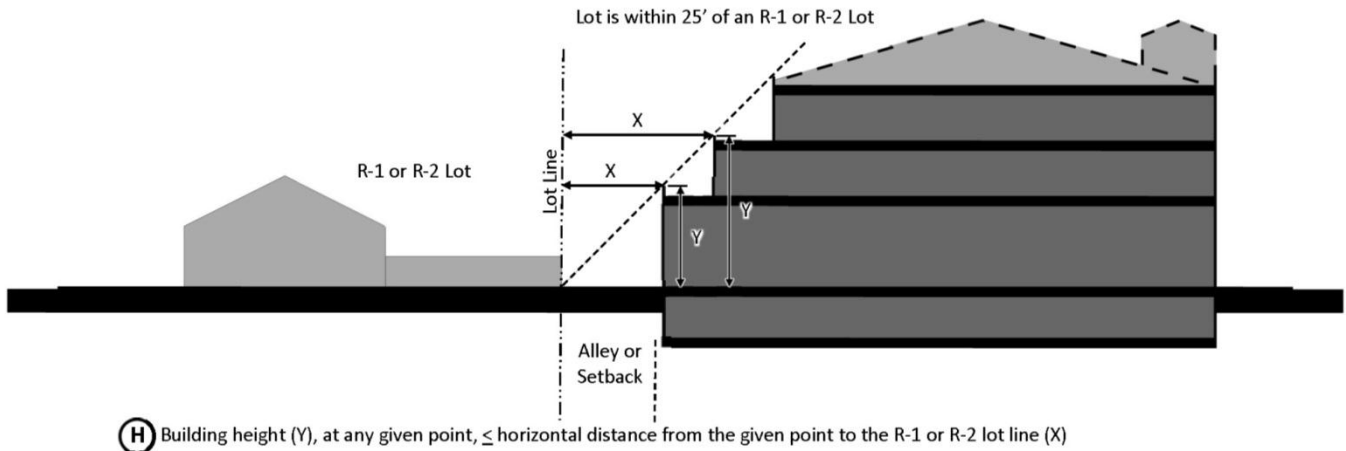
E. Sloped roofs and tower elements may extend an additional 15' above the allowed building height (38') or conditionally approved building height (See Standard D).

F. Roof parapets may extend an additional 6' above the allowed building height (38') or conditionally approved building height (see Standard D).



G. The maximum pitch of a sloped roof shall be 6:12 (rise:run).

H. If the lot is within 25' of a Single Family Residential (R-1) or Low Density Residential (R-2) lot, the external height of the structure (at any given point) shall never exceed the horizontal distance from the R-1 or R-2 lot line to the given point.



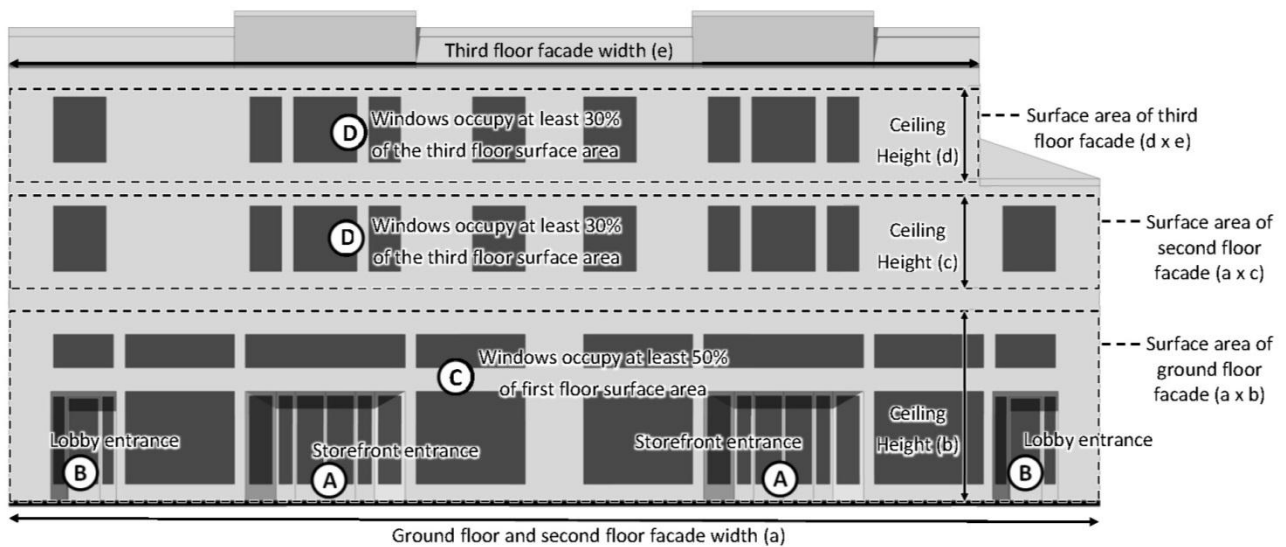
10-1-2706.5: FACADE STANDARDS:

A. Storefront Entrances: Individual storefront entrances are required for each commercial space on the ground floor that has a street frontage. The primary storefront entrance to these commercial spaces shall be located on a street-fronting facade (front or street-facing side facade).

B. Lobby Entrances: The primary lobby entrance to upper floor uses (if provided) and ground floor uses without street frontage (if provided) shall be located along a street fronting facade.

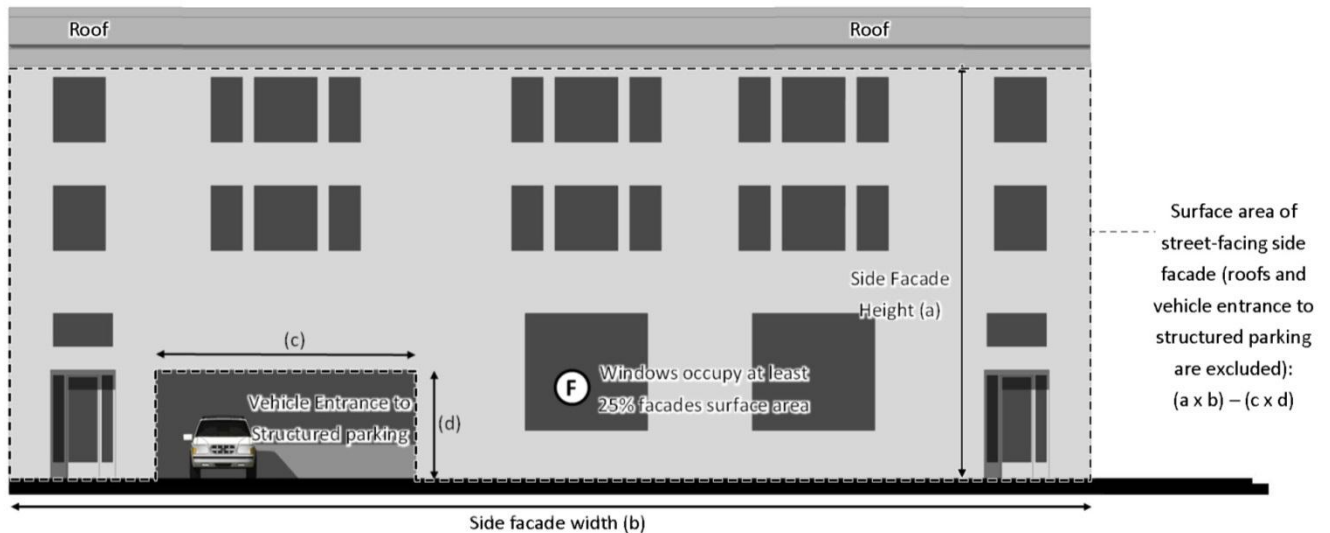
C. Ground Floor Windows: on the front facade, windows shall occupy at least 50 percent of the surface area of the ground floor elevation (as measured by multiplying the ceiling height by the width of the front facade). Vehicle entrances to structured parking shall be excluded from the surface area of the ground facade.

D. Upper Floor Windows: on the front facade, windows shall occupy at least 30 percent of the surface area of each upper floor facade (as measured by the multiplying the ceiling height by the width of the front facade).



E. If the building facade is located along or near the public sidewalk, recessed building entrances may be required so that doors do not encroach into the sidewalk when open.

F. At least 25 percent of the surface area of the street-facing side facade shall consist of windows (as measured by multiplying the facade height by the width of the side facade). Roofs, including parapets/cornices, and vehicle entrances to structured parking shall be excluded from the total surface area calculation of the facade.



G. Arcades and recessed storefronts are allowed along all facades. Arcades shall not encroach over any lot line nor cross over public sidewalks.

H. Secondary storefront and lobby entrances are allowed on rear and interior side facades.

I. Exterior fire escapes and exterior stairways and hallways providing access to upper floor uses are prohibited along front and street-facing side facades.

10-1-2706.6: FACADE PROJECTIONS:

A. On front and street-facing side facades, awnings and canopies may encroach into setbacks and sidewalks at a maximum depth of 6' (as measured from the facade) if at least 8' of vertical clearance is provided. Supporting poles for canopies are prohibited in sidewalks.

B. On front and street-facing side facades, balconies, bay windows, and window shades (horizontal or vertical) may encroach into setbacks and sidewalks by a maximum depth of 3' (as measured from the facade) if at least 16' of vertical clearance is provided.

C. On front and street-facing side facades, cornices, belt/sill courses, and similar features may encroach into setbacks and sidewalks by a maximum depth of 2' (as measured from the facade) if at least 8' of vertical clearance is provided.

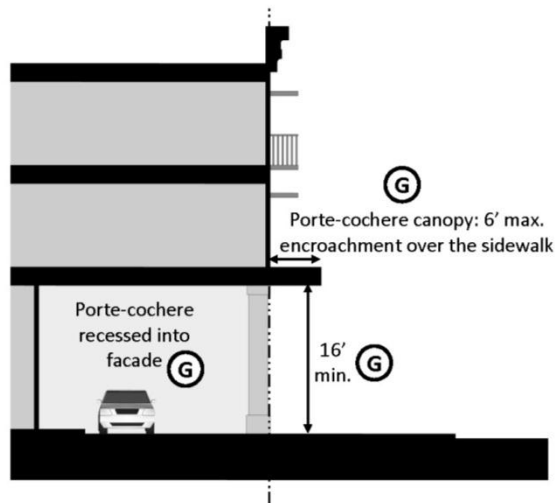
D. On front and street-facing side facades, roof overhangs may encroach into setbacks and sidewalks by a maximum depth of 4' (as measured from the facade).



E. For facades along an alley or a required setback from a residential lot line or Townhome/Live-Work Unit site (see Standards E and F in Section 10-1-2706.2), all of the projections listed in Standards A through D may encroach into the alley or setback by a maximum depth of 2' (as measured from the facade). All of the vertical clearance standards listed in Standards A through D shall also apply.

F. Chimneys, exterior fire escapes, and exterior stairways to upper floor uses shall not encroach into setbacks.

G. Buildings with hotels, motels, convalescent homes, senior housing, and similar uses may have porte-cocheres on front and street-facing side facades. Porte-cocheres may be recessed into the facade and/or covered by projecting a canopy. The canopy may encroach up to 6' into the sidewalk if at least 16' of vertical clearance is provided. Supporting columns for the canopy are prohibited in the sidewalk.



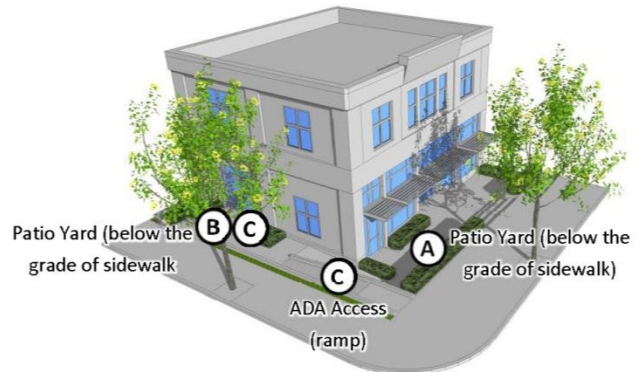
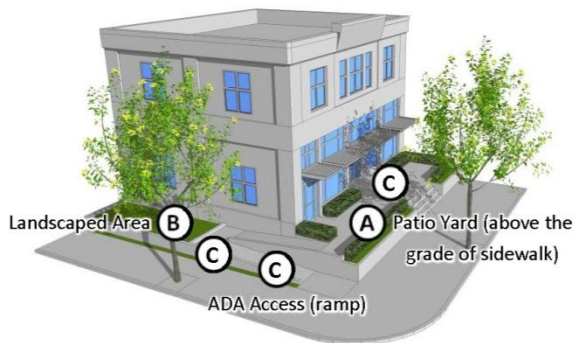
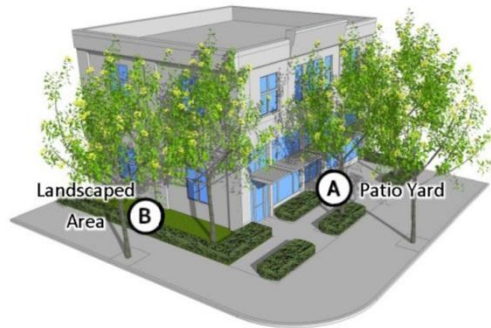
H. Parking structure gates, when open or opening, shall not encroach across any lot line.

10-1-2706.7: YARDS AND OPEN SPACE:

A. If provided, front yards (the area between the front facade and the sidewalk) shall be improved as individual patio yards for each storefront or as a common patio yard for multiple storefronts. Landscaped surfaces shall occupy at least 30 percent of each patio yard (individual or common).

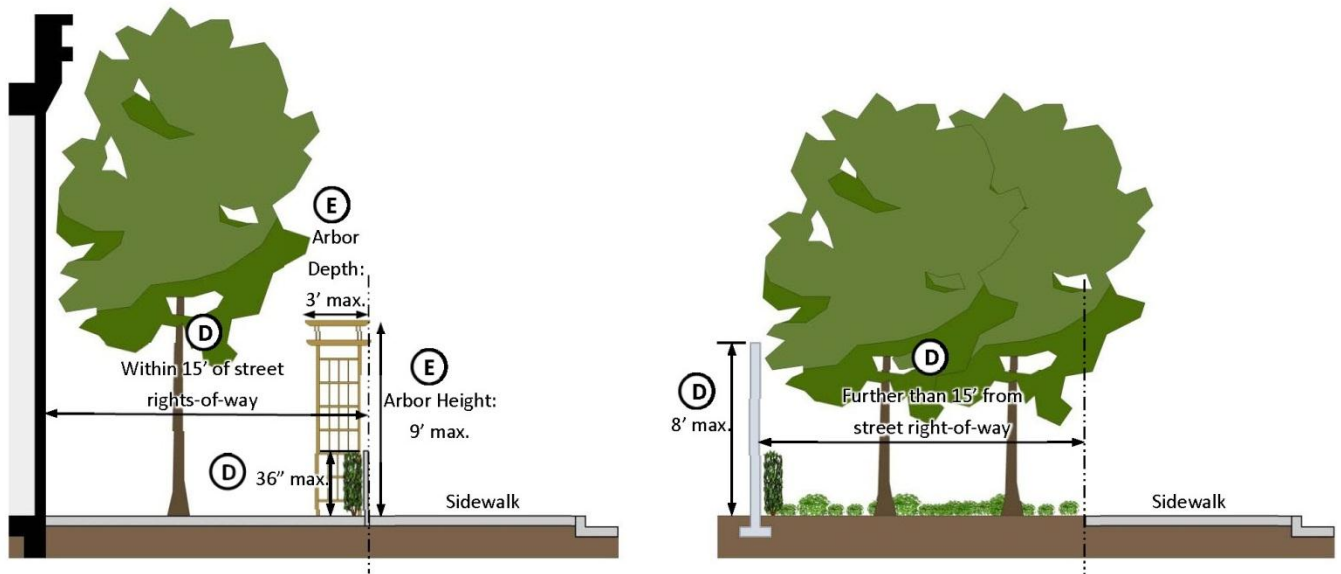
B. If provided, street-adjacent side yards (the area between the street-facing side facade and the sidewalk) may be landscaped, improved as an individual patio yards for an adjacent storefront, or improved as a common patio yard for multiple storefronts along the side facade. Landscaped surfaces shall occupy at least 30 percent of each patio yard (individual or common).

C. Front yards and street-adjacent side yards may be elevated above or set below the grade of the sidewalk if ADA access is provided between the sidewalk and storefront entrances. ADA ramps may be located in front yards or side yards (street-adjacent side and interior side yards).



D. Hedges, fences, or walls within 15' of street rights-of-way shall not exceed a height of 36" (as measured from the grade of the yard). This standard does not apply to parking lot hedges required to meet Standard D in Section 10-1-2706.3, guardrails required to meet Building Code requirements, and entry arbors. Hedges, fences, or walls in other locations may have a maximum height of 8'.

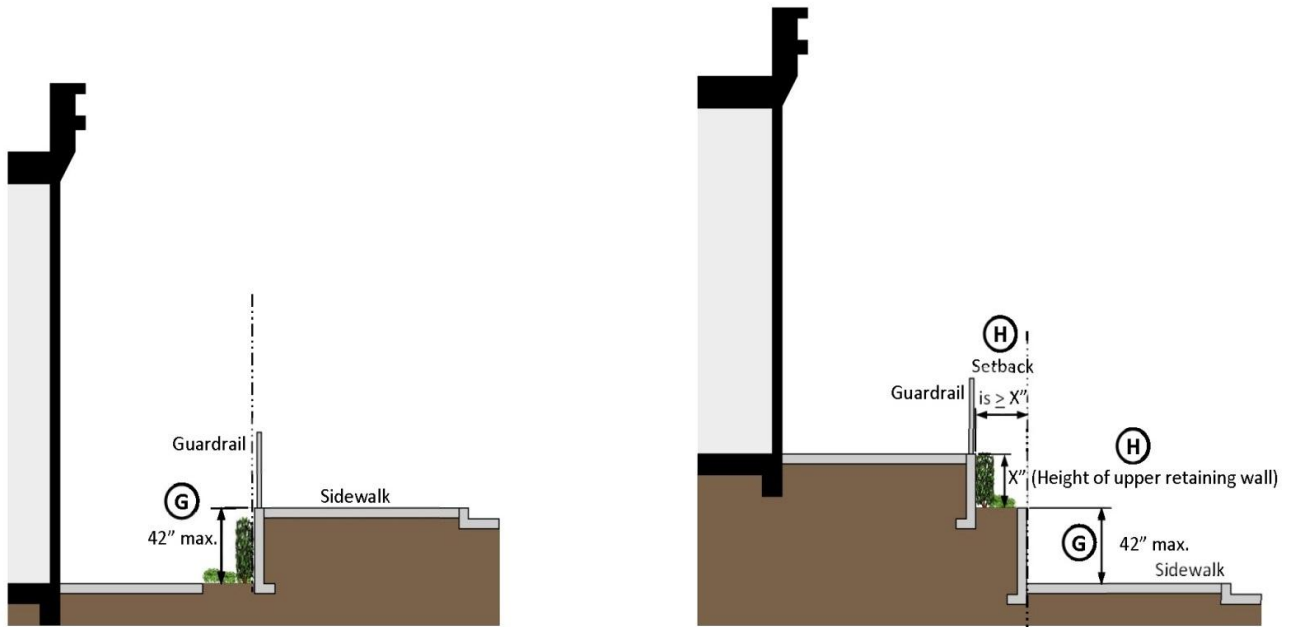
E. Entry arbors shall be limited to a maximum height of nine 9' (as measured from the highest abutting finished ground surface), a maximum width of six 6', and a maximum depth of 3'.



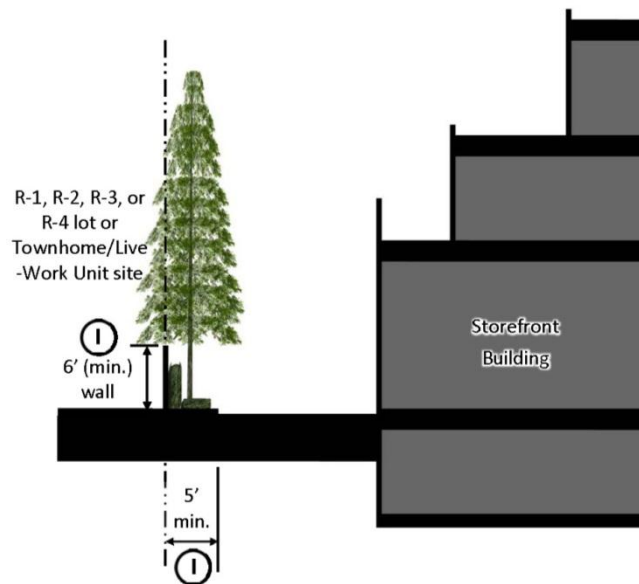
F. Fence posts, wall columns, and gates may exceed the height of the fence or wall by an additional 4".

G. Retaining walls (regardless of their location) shall not exceed an exposed height of 42" (as measured from the nearest grade).

H. A setback shall be provided between the outer edge of a retaining wall and a nearby fence, wall, or retaining wall. The setback shall be at least the height of the upper fence, wall, or retaining wall. This standard does not apply to guardrails required to meet Building Code requirements.



I. A landscaped buffer shall be required along the edges of all lot lines that are shared with a residential-zoned lot (R-1, R-2, R-3, or R-4) and Townhome/Live-Work sites. The landscaped buffer shall be at least 5' wide and shall contain a decorative masonry wall along the common lot line and a row of evergreen trees to screen views to and from the adjacent lots. The decorative masonry wall shall be at least 6' tall. The requirement for the evergreen trees and the decorative wall may be waived by the Community Development Director if those features are already provided on the adjacent site.



J. Private open space areas shall be provided for each residential unit in the form of a patio, balcony, or roof-top garden. At least 50 square feet of private open space is required per unit. The minimum dimension of any private open space area shall be 5'.

K. If the Storefront Building contains 6 or more residential units, common open space for the residents shall also be required at a rate of 150 square feet per unit. The minimum dimension of any common open space area shall be 20'. Common open space may be provided in the form of a courtyard or roof-top patio or garden.

L. Common open spaces shall include a combination of paved surfaces and landscaped areas. At least 35percent of the area shall consist of landscaped surfaces.

M. Common open space areas shall include features that encourage people to gather and socialize. Such features include, but are not limited to, playgrounds, seating areas, pools, spas, outdoor dining, and barbeque areas.

N. Common open space areas shall be designed to mitigate the effects of building glare and heat by incorporating trees and shade structures, such as arbors and gazebos.

O. Community gardens and/or orchard trees are allowed in common open space areas.

10-1-2706.8: LAND USES:

A. Land uses shall be permitted in accordance with the C-3 Zone under Table 10-1-502 of the Zoning Ordinance with the following exceptions:

1. Residential above commercial uses shall require an Administrative Use Permit.

2. If residential above commercial is permitted with an Administrative Use Permit, Home Occupations are permitted in residential units per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance.

3. With the approval of an Administrative Use Permit, live-work units are permitted on the ground floor of Storefront Buildings located in Zone 2 (see standard B for use standards related to live-work units).

4. The outdoor storage of products, equipment, and materials shall only be allowed to the rear of Storefront Buildings within an area enclosed by a fence or wall that is at least 6' tall, subject to standard D in Section 10-1-2706.7.

5. Drive throughs, including drive-through driveways, shall be prohibited in front yards (the area between the front facade and the sidewalk) and street-adjacent side yards (the area between the street-facing side facade and the sidewalk).

B. The following uses are permitted in live-work units within a Storefront Building (see Standard A.3):

1. Residential dwelling.

2. Small family daycare home per the requirements of the California Child Day Care Facilities Act (California Health and Safety Code, Section 1596.70-1596.799).

3. Home occupations (excluding music home occupations) per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance, with the following exceptions and additional standards:

a. The home occupation does not have to be an incidental or secondary use to the residential dwelling.

b. Dance and fitness training (such as yoga, Pilates, and martial arts) are additional home occupations allowed in live-work units, provided that on-site classes do not create noise or vibrations in adjacent units or yards in excess of what is normally expected in a multi-family residential environment.

c. Employees that do not live in the unit are allowed. However, only one of these employees is allowed to work within the unit at any given time. Increased staffing with more than one additional employee may be permitted with the approval of a Conditional Use Permit.

d. The maximum area of the work space for home occupations shall not exceed 60percent of the total square footage of the unit.

e. Art work and jewelry created by the home occupation may be displayed and sold on the premises.

f. Section 10-1-672.I (Pedestrian and Vehicle Traffic) does not apply to home occupations in live-work units.

g. Section 10-1-672.K (Signs and Advertising) does not apply to home occupations in live-work units. Commercial signs are allowed per the standards and guidelines in Section 10-1-2711.

h. Home occupations shall have no more than two clients, customers, and or guests at one time. This standard does not apply to residential gatherings.

i. Ceramic kilns, glass blowing furnaces, and welding (as a form of artistry) may be permitted with the approval of a Conditional Use Permit. Additional permits may also be required to meet Building Code requirements.

j. The residential guest parking provided in compliance with Section 10-1-2706.9 shall meet all guest parking requirements for home occupations. No additional guest or customer parking is required for home occupations.

k. Large family daycare homes per the requirements of the California Child Day Care Facilities Act (California Health and Safety Code, Section 1596.70-1596.799) and Title 10, Article 6, Division 13 (Large Family Day Care Home) of the Burbank Zoning Ordinance may be permitted with an Administrative Use Permit.

l. Music home occupations, per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance, may be permitted with an Administrative Use Permit with the following exceptions and additional standards:

- The music home occupation does not have to be an incidental or secondary use to the residential dwelling.

- Music lessons and studio recordings are allowed in live-work units that share a common wall with another unit provided that the instruments and singing voices do not create noise or vibrations in adjacent units or yards in excess of what is normally expected in a multi-family residential environment.

10-1-2706.9: OFF STREET PARKING REQUIREMENTS:

A. Commercial Parking Requirements: Parking for commercial uses shall be provided in compliance with Section 10-1-1408(2) of the Burbank Zoning Ordinance (Spaces Required: Commercial Uses Outside of Central Business District Downtown

Parking Area). The number of spaces required may be reduced through the use of shared parking per the requirements and procedures in Section 10-1-2715 (Shared Parking).

B. Apartment Requirements: Parking for apartments within a Storefront Building shall be provided based on the following ratios³.

1. 1.25 spaces per studio unit that is 500 square feet or less.
2. 1.75 spaces per 1 bedroom unit and studio unit that is over 500 square feet.
3. Two (2) spaces per two (2) or more bedroom units.
4. One (1) guest parking space for every four (4) units. A minimum of two (2) guest parking spaces is required if less than eight (8) units are provided.

C. Condominium/Live Work Unit Requirements: Parking for condominiums within a Storefront Building shall be provided based on the following ratios²:

1. Two (2) spaces per unit, regardless of the unit size.
2. One (1) guest parking space for every four (4) units. A minimum of two (2) guest parking spaces is required if less than eight (8) units are provided. Guest parking does not have to be located in a parking structure or covered carport.

D. Bicycle Parking Requirements: Bicycle parking, in the form of a secure bike rack or bike locker, shall be provided at a minimum rate of one (1) bicycle space for every four (4) units (including apartment, condominium, and live work units). A minimum of two (2) bicycle spaces are required if less than eight (8) units are provided. Fractions are subject to normal rounding procedures (a fraction 0.5 or greater counts as an additional space).

E. Parking may be unbundled from rental/lease agreements.

F. If affordable housing units are provided in compliance with the California State Density Bonus Law, the City of Burbank shall reduce the residential parking requirements for both market and affordable units in accordance with State Law.

10-1-2707: COMMERCIAL BUILDING:

10-1-2707.1: DESCRIPTION:

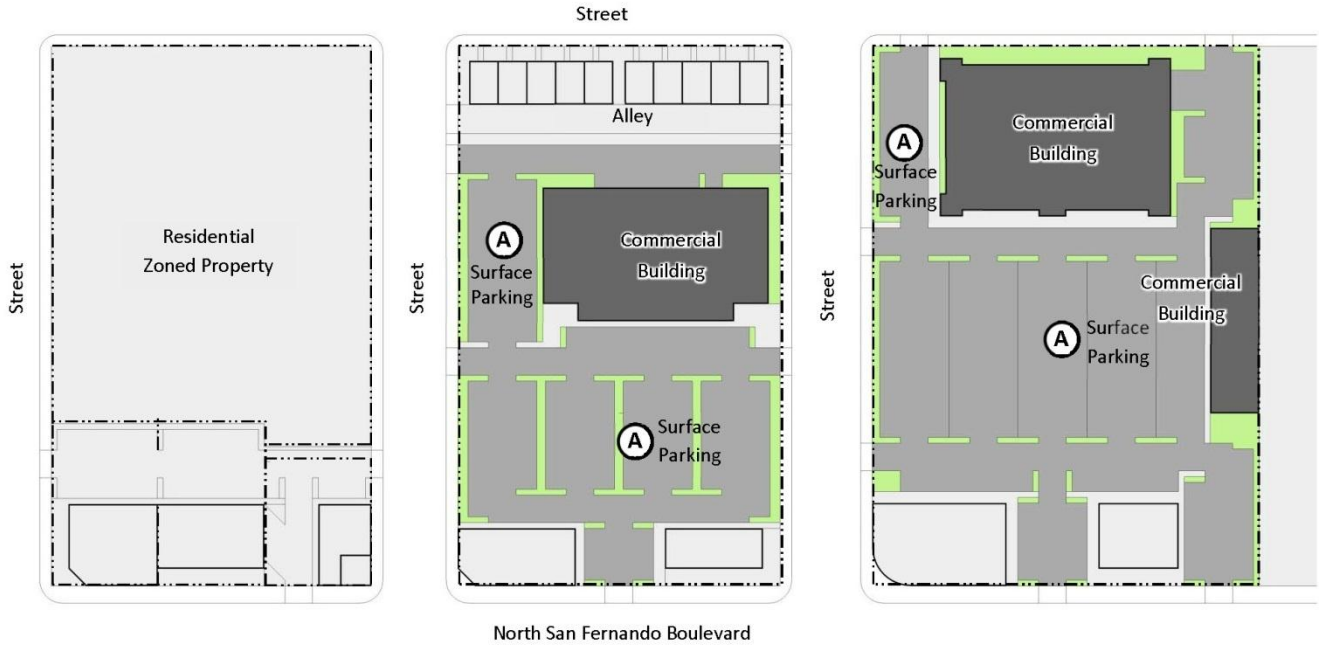
A. Description: A Commercial Building is a single or multi-story building that is set back from the public sidewalk. Parking is allowed on all sides of the building.

³ The number of required parking spaces for all units and guests, including fractions of a space, is added together before rounding. The sum total is subject to normal rounding procedures (a fraction 0.5 or greater counts as an additional space).



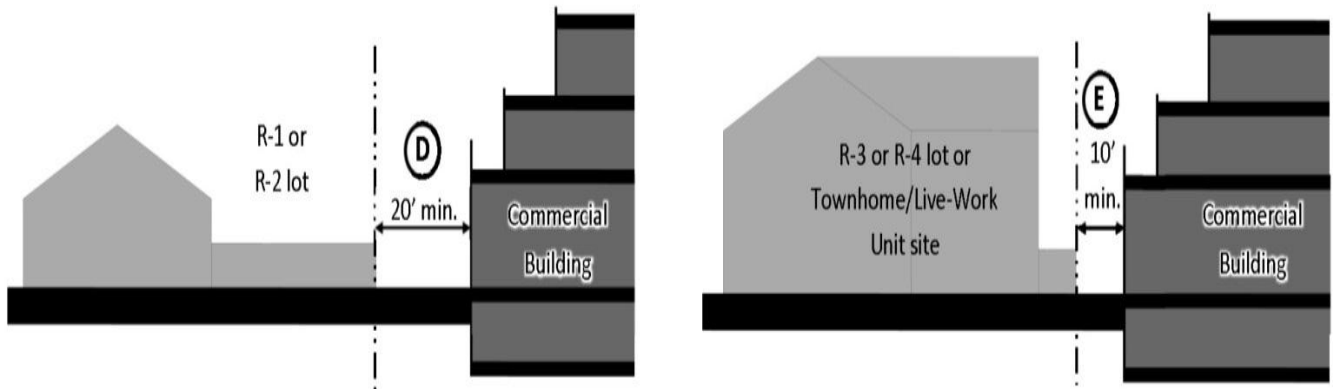
10-1-2707.2: BUILDING PLACEMENT:

- A. Commercial Buildings shall be located in Zone 2 of the lot (see standards B and D in Section 10-1-2704).
- B. Commercial Buildings shall be located at least 10' from lot lines along streets.
- C. Setbacks are not required from rear and side lot lines that are shared with alleys, lots within a non-residential zoning district, and lots within the North San Fernando Boulevard Zone. However, within a horizontal mixed-use project, setbacks are required from Townhome/Live-Work Unit sites (see Standard E below).



D. Commercial Buildings shall be set back at least 20' from rear and side lot lines that are shared with lots zoned Single Family Residential (R-1) and Low Density Residential (R-2).⁴

E. Commercial Buildings shall be set back at least 10' from rear and side lot lines that are shared with Townhome/Live-Work Unit sites (see Section 10-1-2705), and lots zoned Medium Density Residential (R-3) and High Density Residential (R-4).³



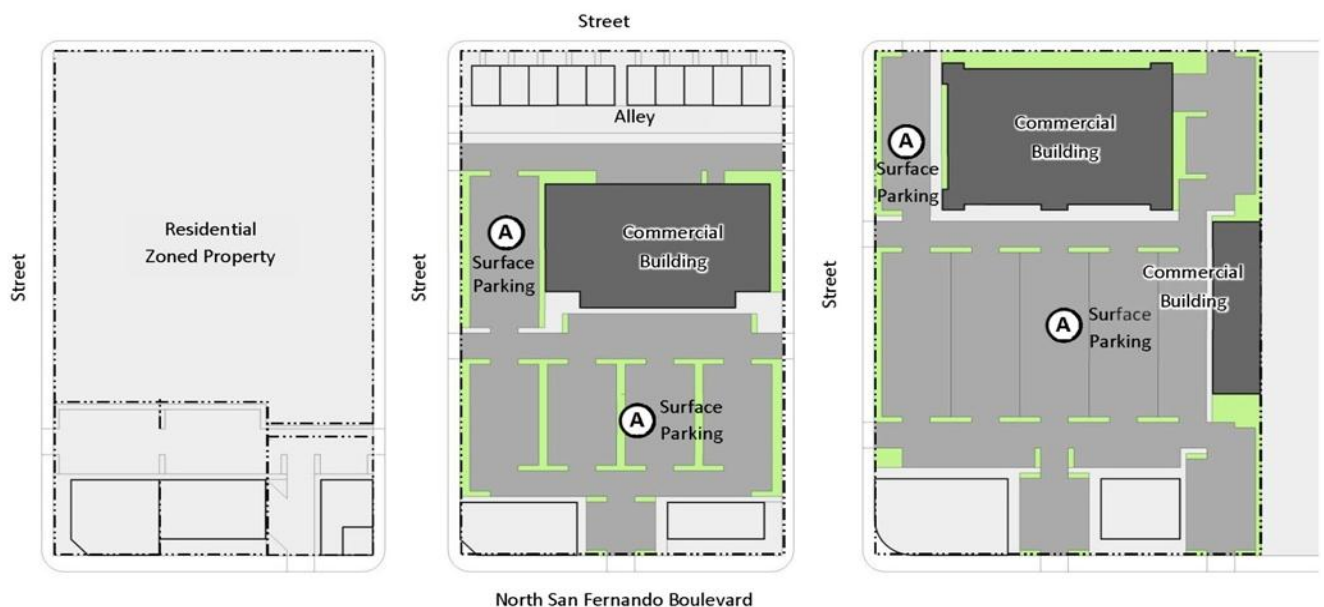
⁴ Additional step-back requirements may be required based on the height of the building and its distance from the residential lot line (see Standard F in Section 10-1-2707.4).

10-1-2707.3: PARKING LOCATIONS, OFF-STREET LOADING, AND GARBAGE/RECYCLING STORAGE:

A. Surface parking is allowed on all sides of a Commercial Building.

B. Surface parking lots, including parking lot landscaping, shall be designed in compliance with Divisions 1 and 4 of Article 14 (General Off Street Parking Standards) with the following exceptions:

1. Section 10-1-1417.1 (Setbacks and Walls) shall not apply.
2. Section 10-1-1417.2 (Parking Lots Abutting and Adjacent to Residential Zones) shall not apply.

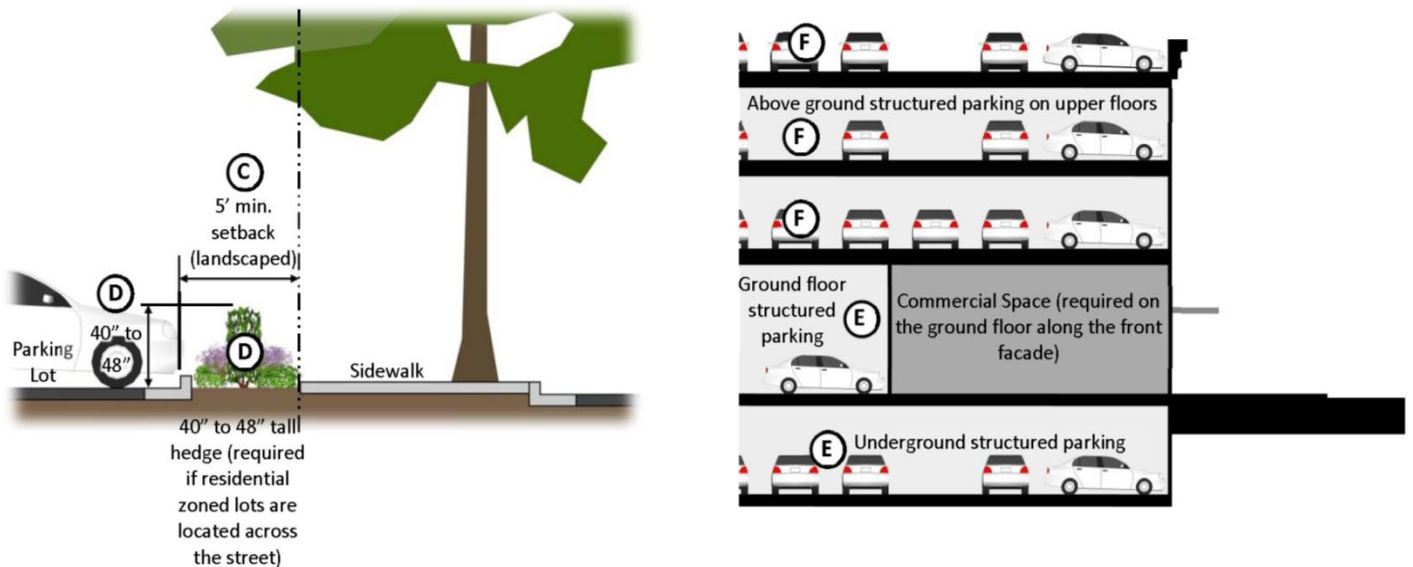


C. All surface parking lots shall be set back at least 5' from front and street-facing side lot lines. This setback shall be landscaped.

D. When a parking lot is located across the street from a residential zoned lot, a hedge with a height of 40" to 48" (as measured from the grade of the parking lot) shall be located within the landscaped setback of the parking lot. This standard may be waived or reduced by the Community Development Director if the parking lot is set below the elevation of the adjacent sidewalk. The hedge height shall be reduced where needed to comply with Section 10-1-2714 (Corner Cutoff).

E. Underground/partially underground structured parking and ground floor structured parking is allowed in Commercial Buildings. However, parking is prohibited on the ground floor along the front facade, as commercial space is required in this location.

F. Above ground structured parking may be permitted within Commercial Buildings with the approval of a Conditional Use Permit.



G. Parking structure facades shall comply with the design standards in Section 10-1-2710.2 (Parking Structure Facades).

H. To the extent feasible, vehicle access to structured parking should not be provided on the front facade of Commercial Buildings.

I. Shared driveways that provide access to multiple lots within a block are encouraged to minimize curb cuts along sidewalks.

J. Off-street loading spaces shall be required in compliance with Article 15 (General Off-Street Loading Standards) with the following exception:

1. The off-street loading standards may be waived or reduced by the Community Development Director if an on-street delivery zone is provided adjacent to the lot. The on-street delivery zone shall have a yellow curb and signage that restricts regular parking during daytime business hours (7:00 a.m. to 6:00 p.m.). Street trees shall be pruned to maintain at least 14' of vertical clearance above the on-street delivery zone. The businesses and/or property owners that utilize the on-street delivery zone shall reimburse the City for related maintenance expenses, such as curb painting, the replacement of signs, and tree pruning.

K. Garbage/recycle storage areas shall be located within the interior of the building, within a building recess located along a rear or interior side facade, or within a trash enclosure that is located within a parking lot adjacent to the rear facade or interior side facade. If the lot abuts an alley, the garbage/recycle storage area shall be accessible from the alley.

L. Trash enclosures shall be designed to comply with the following standards:

1. Trash enclosures shall be set back at least 5' from rear and side lot lines that are shared with Townhome/Live-Work Unit sites (see Section 10-1-2705), and lots zoned Medium Density Residential (R-3) and High Density Residential (R-4). This setback shall be landscaped.

2. Trash enclosures shall be set back at least 40' from front and street-facing side lot lines.

3. All sides of the trash enclosure (excluding the door opening) shall consist of masonry walls that are at least 6' tall. A solid metal door (or doors) with a height of at least 6' shall provide access to the enclosure. The door(s) shall not swing open into driveway aisles, parking spaces, walkways, or alleys.

4. The design of trash enclosures shall be compatible with the architecture of buildings on the site.

5. Trash dumpster lids shall be non-metallic.

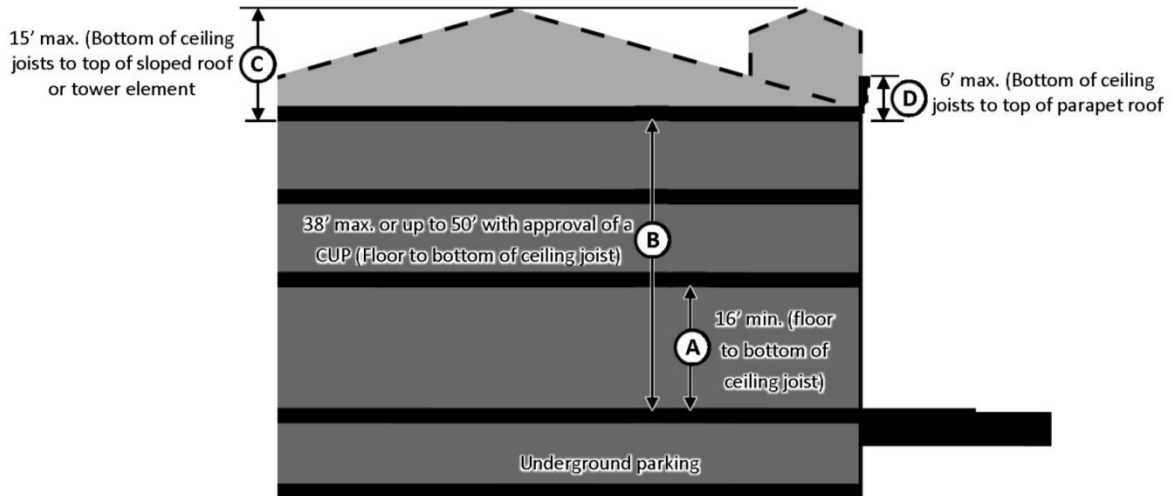
10-1-2707.4: BUILDING MASS AND HEIGHT:

A. The ground floor of a Commercial Building shall have a ceiling height of at least 16' (as measured from the elevation of the ground floor to the elevation of the bottom of the ceiling joist).

B. The maximum building height shall be 38' (as measured from the elevation of the ground floor to the elevation at the bottom of the upper floor ceiling joist). With the approval of a Conditional Use Permit, this height may increase to 50'. If the building is located at least 300' from an R-1 or R-2 lot line, this height may increase to 70' (with a Conditional Use Permit).

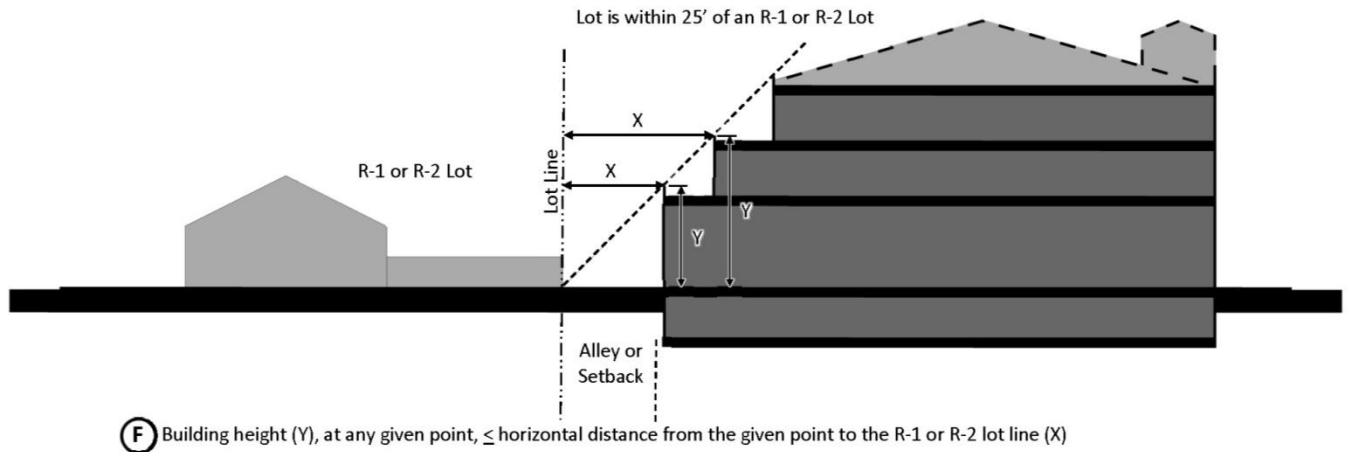
C. Sloped roofs and tower elements may extend an additional 15' above the allowed building height (38') or conditionally approved building height (see Standard B).

D. Roof parapets may extend an additional 6' above the allowed building height (38') or conditionally approved building height (see Standard B).



E. The maximum pitch of a sloped roof shall be 6:12 (rise:run).

F. If the lot is within 25' of a Single Family Residential (R-1) or Low Density Residential (R-2) lot, the external height of the structure (at any given point) shall never exceed the horizontal distance from the R-1 or R-2 lot line to the given point.



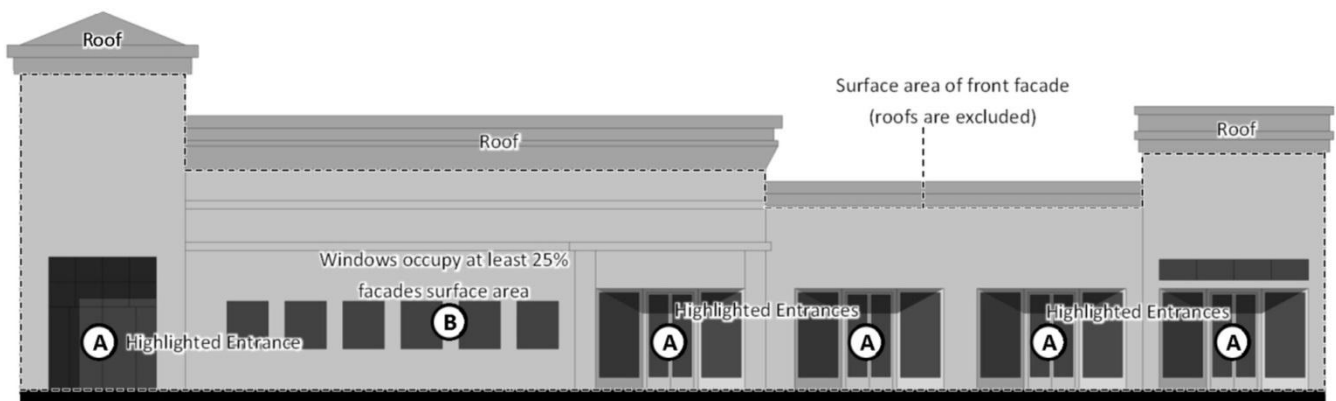
10-1-2707.5: FACADE STANDARDS:

A. Entrances: Primary entrances shall be architecturally highlighted. Design methods that may be considered to achieve this standard include, but are not limited to:

1. Recessing entrances into the facade.
2. Placing vertical tower elements above the entrance.

3. Using unique design features at entrances, such as projecting awnings or canopies.
4. Using unique building materials or colors at building entrances.

B. Windows: On the front facade (the facade with the primary building entrances) and other street fronting facades within 25' of the street right-of-way, at least 25 percent of the surface area of the facade shall consist of windows. Roofs, including parapets/cornices, and vehicle entrances to structured parking shall be excluded from the total surface area calculation of the facade. The Community Development Director may reduce this standard if the facade has a high level of articulation and if trees and landscaping are planted along the edge of the facade.



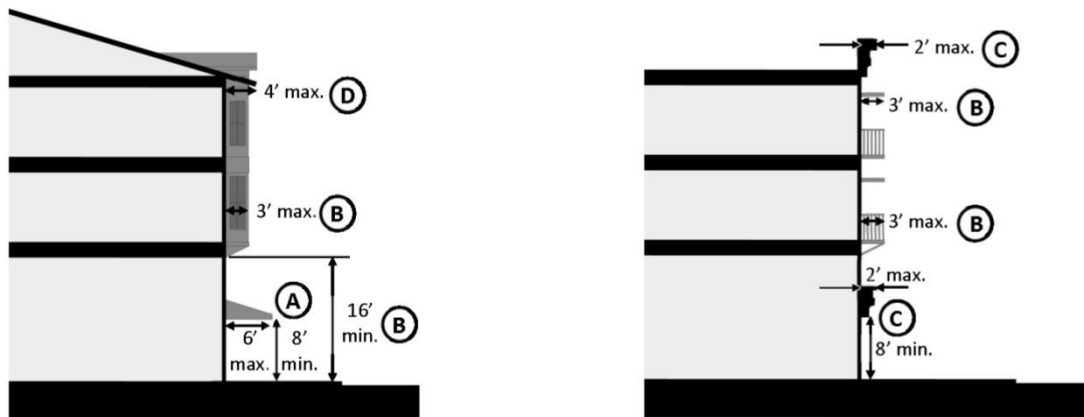
10-1-2707.6: FACADE PROJECTIONS:

A. On front and street-facing side facades, awnings and canopies may encroach into setbacks at a maximum depth of 6' (as measured from the facade) if at least 8' of vertical clearance is provided.

B. On front and street-facing side facades, balconies, bay windows, and window shades (horizontal or vertical) may encroach into setbacks by a maximum depth of 3' (as measured from the facade) if at least 16' of vertical clearance is provided.

C. On front and street-facing side facades, cornices, belt/sill courses, and similar features may encroach into setbacks by a maximum depth of 2' (as measured from the facade) if at least 8' of vertical clearance is provided.

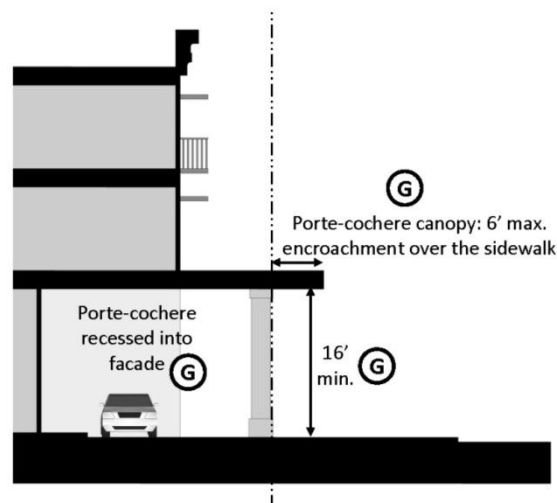
D. On front and street-facing side facades, roof overhangs may encroach into setbacks by a maximum depth of 4' (as measured from the facade).



E. For facades along an alley or required setback from a residential lot line or townhouse/Live-Work Unit site (see Standards D and E in Section 10-1-2707.2), all of the projections listed in Standards A through D may encroach into the alley or setback by a maximum depth of 2' (as measured from the facade). All of the vertical clearance standards listed in Standards A through D shall also apply.

F. Chimneys, exterior fire escapes, and exterior stairways to upper floor uses shall not encroach into setbacks.

G. Buildings with hotels, motels, convalescent homes, and similar uses may have porte-cocheres on front and street-facing side facades. Porte-cocheres may be recessed into the facade and/or covered by projecting a canopy. The canopy may encroach into the entire setback and up to 6' over the sidewalk if at least 16' of vertical clearance is provided. Supporting columns for the canopy are prohibited in the sidewalk.

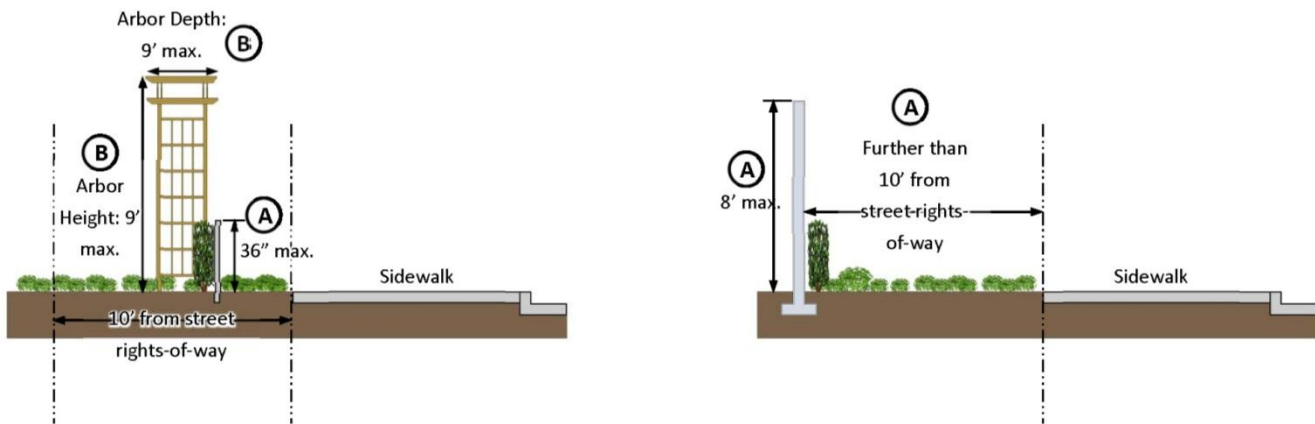


H. Parking structure gates, when open or opening, shall not encroach across any lot line or open into the public right-of-way.

10-1-2707.7: YARDS AND OPEN SPACE:

A. Hedges, fences, or walls within 10' of street rights-of-way shall not exceed a height of 36" (as measured from the nearest grade). This standard does not apply to parking lot hedges required to meet Standard D in Section 10-1-2707.3, guardrails required to meet Building Code requirements, and entry arbors. Hedges, fences, or walls in other locations may have a maximum height of 8'.

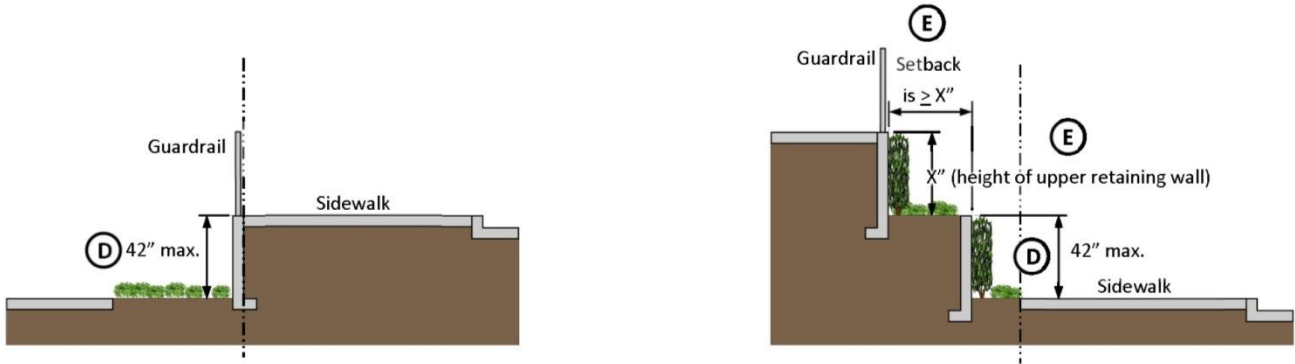
B. Entry arbors shall be limited to a maximum height of nine 9' (as measured from the highest abutting finished ground surface), a maximum width of six 6', and a maximum depth of 3'.



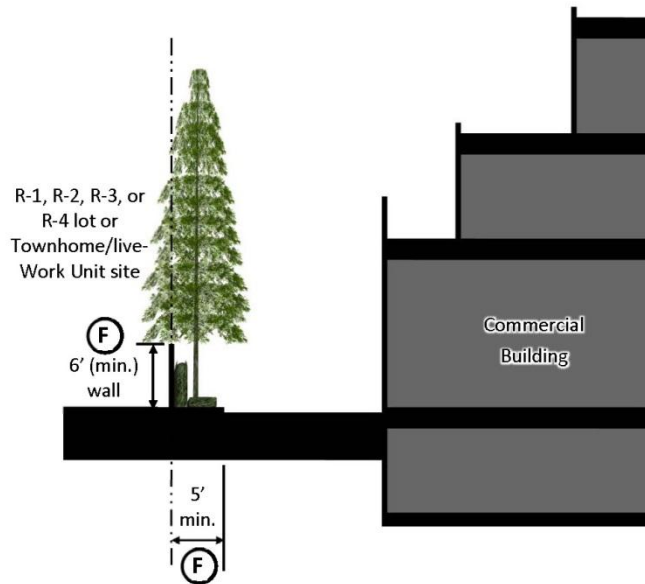
C. Fence posts, wall columns, and gates may exceed the height of the fence or wall by an additional 4" .

D. Retaining walls (regardless of their location) shall not exceed an exposed height of 42" (as measured from the nearest grade).

E. A setback shall be provided between the outer edge of a retaining wall and a nearby fence, wall, or retaining wall. The setback shall be at least the height of the upper fence, wall, or retaining wall. This standard does not apply to guardrails required to meet Building Code requirements.



F. A landscaped buffer shall be required along the edges of all lot lines that are shared with a residential-zoned lot (R-1, R-2, R-3, or R-4) and Townhome/Live-Work sites. The landscaped buffer shall be at least 5' wide and shall contain a decorative masonry wall along the common lot line and a row of evergreen trees to screen views to and from the adjacent lots. The decorative masonry wall shall be at least 6' tall. The requirement for the evergreen trees and the decorative wall may be waived by the Community Development Director if those features are already provided on the adjacent site.



G. All exterior areas of the site (excluding roofs, fences/walls, driveways, parking lots, off-street loading areas, and pedestrian walkways) shall be landscaped. Patios, courtyards, and paseos shall be considered landscaped if at least 35 percent of the patio/courtyard area consists of landscaped surfaces (in planters or pots), and hardscaped surfaces are improved with decorative materials, such as colored and scored concrete or concrete pavers.

10-1-2707.8: LAND USES:

A. Land uses shall be permitted in accordance with the C-3 Zone under Table 10-1-502 of the Zoning Ordinance with the following exceptions:

1. Residential above commercial uses are prohibited in this building type.

10-1-2707.9: OFF STREET PARKING REQUIREMENTS:

A. Commercial Parking Requirements: Parking for commercial uses shall be provided in compliance with Section 10-1-1408(2) of the Burbank Zoning Ordinance (Spaces Required: Commercial Uses Outside of Central Business District Downtown Parking Area). The number of spaces required may be reduced through the use of shared parking per the requirements and procedures in Section 10-1-2715 (Shared Parking).

10-1-2708: TOWNHOMES:

10-1-2708.1: DESCRIPTION:

A. Townhomes are residential units that are attached side-by-side. For privacy, the ground floor is elevated above the grade of the sidewalk and is accessed by a stoop or small porch. Each unit has a two-car garage (attached or detached) that is accessed from a rear alley.



10-1-2708.2: BUILDING PLACEMENT:

- A. The front facade of each townhome unit shall be located within 12' to 20' of the front lot line.
- B. The street-facing side facade of end units shall be set back at least 10' from street-facing side lot lines, interior side lot lines (excluding interior side lots lot lines shared with attached townhome units), and alleys located to the side of units. This setback also applies to detached garages (if provided).
- C. At least 10' of space shall be provided between adjacent units that are separate and do not share a common wall.
- D. If the unit has a detached garage, a rear yard shall be provided between the townhome unit and the detached garage. The rear yard shall be at least 10' deep.
- E. Setbacks for both townhome units and detached garages are not required from rear alleys.



10-1-2708.3: PARKING AND GARBAGE/RECYCLING STORAGE:

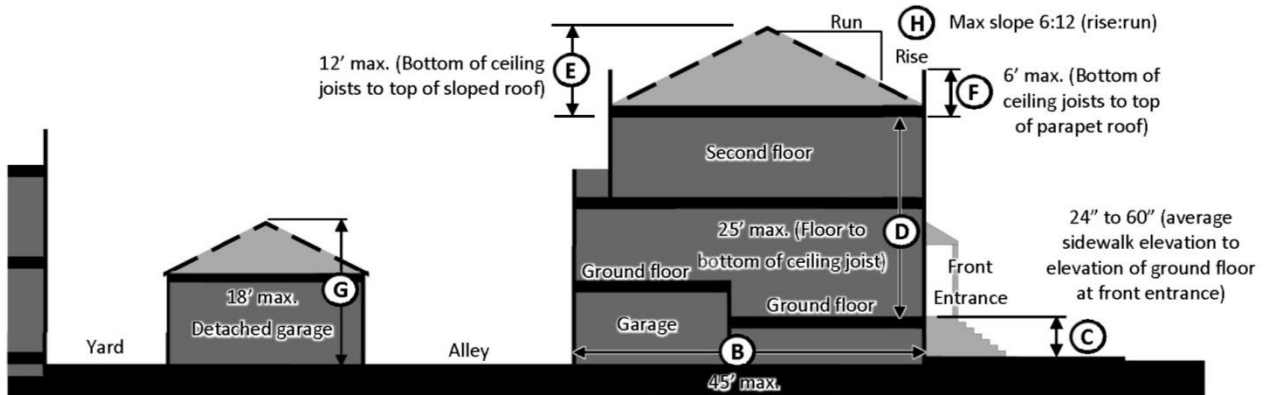
- A. Each unit shall have an attached or detached two-car garage that is accessible from the rear alley. Garages with side-by-side parking are required. The side-by side parking area shall be at least 19' wide and 19' deep. Tandem parking arrangements are prohibited, unless the tandem parking arrangement provides an additional parking space.
- B. Each garage shall be designed with adequate space to store garbage and recycling cans (3' x 6'), which is in addition to the 19' by 19' area for the two (2) parked cars.
- C. Off-street guest parking is not required for developments with 10 or fewer units. Off-street guest parking is required for developments with more than 10 units. One (1)

space shall be required for every four (4) units (a fraction 0.5 or greater counts as an additional space). Guest parking spaces shall be located along the rear alleys that serve the townhome units. A pedestrian path shall be provided to connect the guest parking spaces to the sidewalk. Parking spaces shall be setback from building facades by at least 3'. This setback shall be landscaped.



10-1-2708.4: BUILDING MASS AND HEIGHT:

- A. Townhome units shall have a width of 20' (min.) to 30' (max).
- B. The maximum depth of a townhome unit shall be 45'.
- C. The ground floor elevation at the front entrance of each townhome unit shall be located 24" to 60" above the average elevation of the sidewalk in front of the unit. This standard shall not apply to units that are designed to be accessible to people with disabilities.
- D. The maximum building height shall be 25' (as measured from the elevation of the ground floor to the elevation at the bottom of the second floor ceiling joist). If the ground floor is a split level, the building height shall be measured from the elevation of the ground floor at the front entrance.
- E. Sloped roofs may extend an additional 12' above the allowed building height of the unit.
- F. Roof parapets may extend an additional 6' above the allowed building height of the unit.
- G. Detached garages shall have a maximum height of 18' (as measured from the elevation of the ground floor to the highest point of the structure).
- H. The maximum pitch of a sloped roof on a townhome unit and detached garage shall be 6:12 (rise:run).



10-1-2708.5: FACADE STANDARDS:

A. The front door shall be located on the front facade of each townhome unit. A covered stoop or porch shall provide access to the front door. The stoop or porch may be recessed into the facade or may project from the facade into the front setback (see section 10-1-2708.6 for standards related to projecting stoops and porches).

B. Ground Floor Windows: on the front facade, windows shall occupy at least 20 percent of the surface area of the ground floor elevation (as measured by multiplying the ceiling height by the width of the unit).

C. Second Floor Windows: on the front facade, windows shall occupy at least 25 percent of the surface area of second floor facade (as measured by multiplying the ceiling height by the width of the unit).

D. The design of the front facade shall be differentiated from the front facades of adjacent units. Differentiation shall be achieved by changing the physical form of the facade and by using different building materials or color finishes.



E. Windows shall be provided along street-facing side facades. At least two (2) windows are required on each floor of the street-facing side facade.

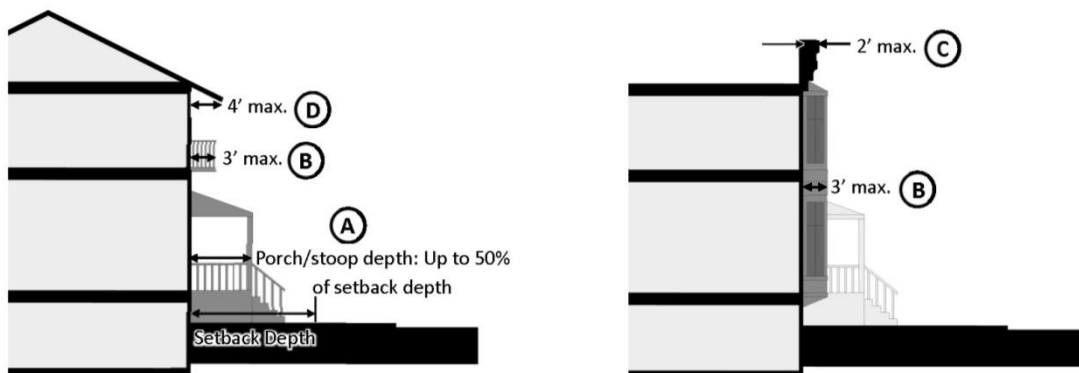
10-1-2708.6: FACADE PROJECTIONS AND ENCROACHMENTS:

A. Stoops and porches may encroach into the front setback and street-facing side setback. The depth of the encroachment shall not exceed more than 50 percent of the setback depth. Stairs for the stoop or porch may be located anywhere in the setbacks. A wheelchair lift is allowed within these setbacks if it is visually compatible with the design of the yard and the architecture of the townhome unit.

B. On front facades, balconies, bay windows, and window shades (horizontal and vertical) may encroach into the setback by a maximum depth of 3' (as measured from the facade). If a balcony covers a porch or stoop, the depth of the balcony encroachment may equal the depth of the stoop or porch encroachment.

C. On front facades, cornices, belt/sill courses, and similar features may encroach into the setback by a maximum depth of 2' (as measured from the facade).

D. On front facades, roof overhangs may encroach into setbacks by a maximum depth of 4' (as measured from the facade).



E. On side facades along required setbacks and rear facades along rear alleys, all of the projections listed in Standards A through D may encroach into the side setback or alley by a maximum depth of 2' (as measured from the facade). At least 8' of vertical clearance shall be provided for projections over alleys.

F. Chimneys shall not encroach into setbacks.

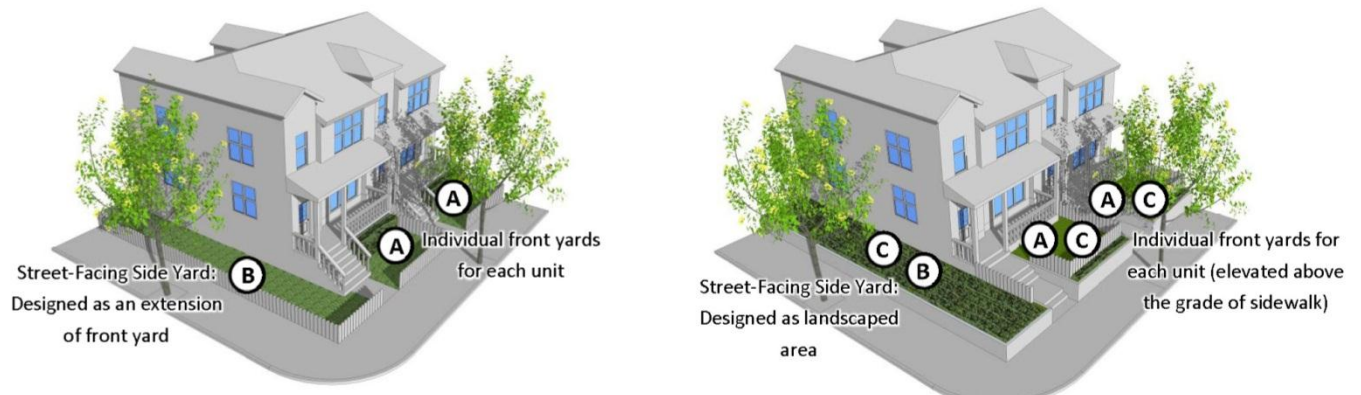
G. Garage doors, when open or opening, shall not encroach into alleys.

10-1-2708.7: YARDS AND OPEN SPACE:

A. Front yards shall be designed as individual yards for each unit. Landscaped surfaces shall occupy at least 70 percent of each front yard. Parts of the yard that are occupied by a porch or stoop (including stairs or a wheel chair lift) shall be excluded from the total area of the yard. A fence, wall, or landscaping (hedge or shrubs) shall define the edge along adjacent yards.

B. Street-facing side yards may be landscaped or designed as an extension of the adjacent unit's front yard. Landscaped surfaces shall occupy at least 90 percent of street-facing side yards.

C. Front yards, interior side yards, street-facing side yards, and rear yards may be elevated above the grade of the sidewalk.



D. Hedges, fences, and walls that define rear yards (if provided) shall not exceed a height of 6' as measured from the nearest grade). Hedges, fences, and walls within front and side yards shall not exceed a height of 36" (as measured from the nearest grade). This standard does not apply to guardrails required to meet Building Code requirements and entry arbors.

E. Entry arbors shall be limited to a maximum height of nine 9' (as measured from the highest abutting finished ground surface), a maximum width of six 6', and a maximum depth of 3'.

F. Fence posts, wall columns, and gates may exceed the maximum height of the fence or wall by an additional 4".

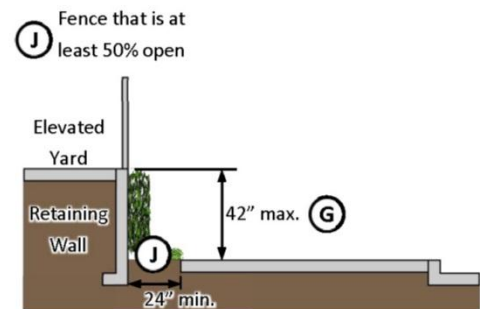
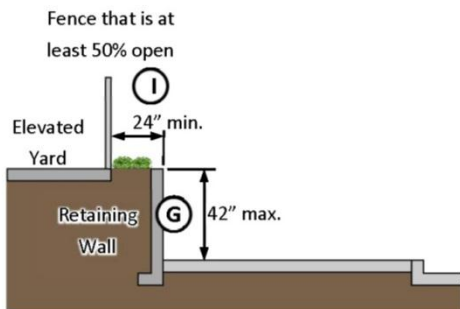
G. Retaining walls, regardless of their location, shall not exceed an exposed height of 42" (as measured from the nearest grade).

H. Within front and street-facing side yards, only one retaining wall is allowed.

I. Walls and solid fences are prohibited in front and street-facing side yards that are elevated above the grade of the sidewalk and supported by a retaining wall. A fence that is

at least 50 percent open is allowed in elevated yards if it is set back from the outer edge of the retaining wall by at least 24". This setback shall be landscaped.

J. As an alternative to Standard I, if the retaining wall for the elevated yard is set back from the sidewalk by at least 24", a fence that is at least 50 percent open may be located directly above the retaining wall. The retaining wall setback shall be landscaped with a hedge that is equal to the height of the retaining wall.



10-1-2708.8: LAND USES:

A. The following uses are permitted in townhome units:

1. Residential dwelling.
2. Accessory residential uses that are located in a rear yard.
3. Small family daycare home per the requirements of the California Child Day Care Facilities Act (California Health and Safety Code, Section 1596.70-1596.799).
4. Home occupations (excluding music home occupations) per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance.

B. The following uses are permitted in townhome units with an Administrative Use Permit:

1. Large family daycare homes per the requirements of the California Child Day Care Facilities Act (California Health and Safety Code, Section 1596.70-1596.799) and Title 10, Article 6, Division 13 (Large Family Day Care Home) of the Burbank Zoning Ordinance.
2. Music home occupations per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance, with the following exceptions and additional standards:
 - a. Music lessons and recordings are allowed in townhome units that share a common wall with another unit provided that on-site classes do not create noise or vibrations in adjacent units or yards in excess of what is normally expected in a multi-family residential environment.
 - b. On-site parking for clients, customers, and guests is not required as all townhome units would front a street (existing or new) with on-street parking.

10-1-2709: LIVE-WORK UNITS:

10-1-2709.1: DESCRIPTION:

A. Live-Work Units are residential units that are attached side-by-side and that contain a ground floor storefront. Residents can operate certain types of commercial businesses in the storefront. Each unit has a two-car garage (attached or detached) that is accessed from a rear alley.



10-1-2709.2: BUILDING PLACEMENT:

A. The front facade of each Live-Work Unit shall be located within 5' to 12' of the front lot line.

B. The street-facing side facade of end units shall be set back at least 10' from street-facing side lot lines, interior side lot lines (excluding interior side lots lot lines shared with attached Live-Work Units), and alleys located to the side of units. This setback also applies to detached garages (if provided).

C. At least 10' of space shall be provided between adjacent units that are separate and do not share a common wall.

D. If the unit has a detached garage, a rear yard shall be provided between the Live-Work Unit and the detached garage. The rear yard shall be at least 10' deep.

E. Setbacks for both Live-Work Units and detached garages are not required from rear alleys.



10-1-2709.3: PARKING AND GARBAGE/RECYCLING STORAGE:

A. Each unit shall have an attached or detached two-car garage that is accessible from the rear alley. Garages with side-by-side parking are required. The side-by side parking area shall be at least 19' wide and 19' deep. Tandem parking arrangements are prohibited, unless the tandem parking arrangement provides an additional parking space.

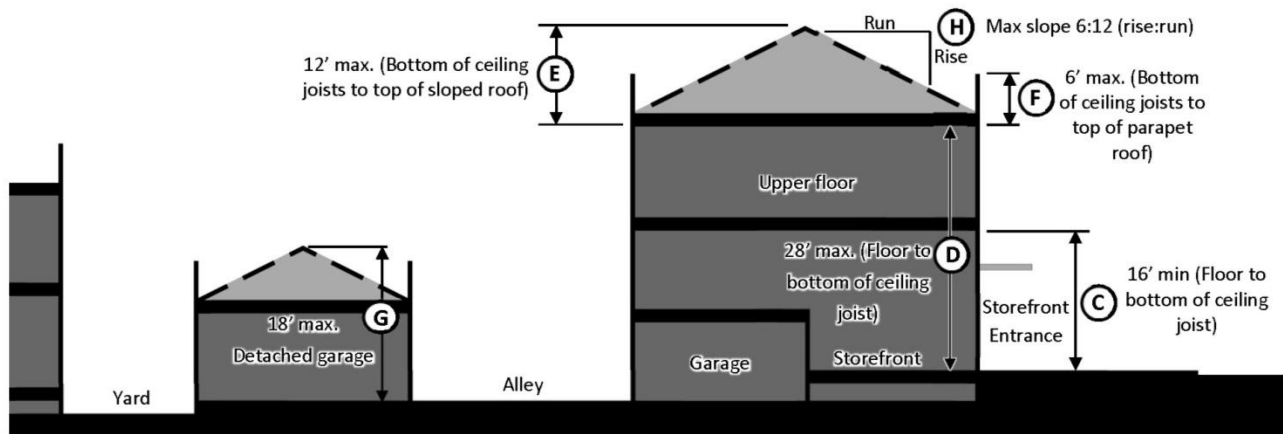
B. Each garage shall be designed with adequate space to store garbage and recycling cans (3' x 6'), which is in addition to the 19' by 19' area for the two (2) parked cars.

C. Off-street guest parking is not required for developments with 10 or fewer units. Off-street guest parking is required for developments with more than 10 units. One (1) space shall be required for every four (4) units (a fraction 0.5 or greater counts as an additional space). If provided, guest parking spaces shall be located along the rear alleys that serve the townhome units. A pedestrian path shall be provided to connect the guest parking spaces to the sidewalk. Parking spaces shall be setback from building facades by at least 3'. This setback shall be landscaped.



10-1-2709.4: BUILDING MASS AND HEIGHT:

- A. Live-Work Units shall have a width of 20' (min.) to 30' (max).
- B. The maximum depth of a Live-Work Unit shall be 50'.
- C. The ground floor storefront shall have a ceiling height of at least 16' (as measured from the elevation of the ground floor to the elevation at the bottom of the ceiling joist).
- D. The maximum building height shall be 28' (as measured from the elevation of the ground floor of the storefront to the elevation at the bottom of the upper floor ceiling joist).
- E. Sloped roofs may extend an additional 12' above the allowed building height of the unit.
- F. Roof parapets may extend an additional 6' above the allowed building height of the unit.
- G. Detached garages shall have a maximum height of 18' (as measured from the elevation of the ground floor to the highest point of the structure).
- H. The maximum pitch of a sloped roof on a Live-Work Unit and detached garage shall be 6:12 (rise:run).

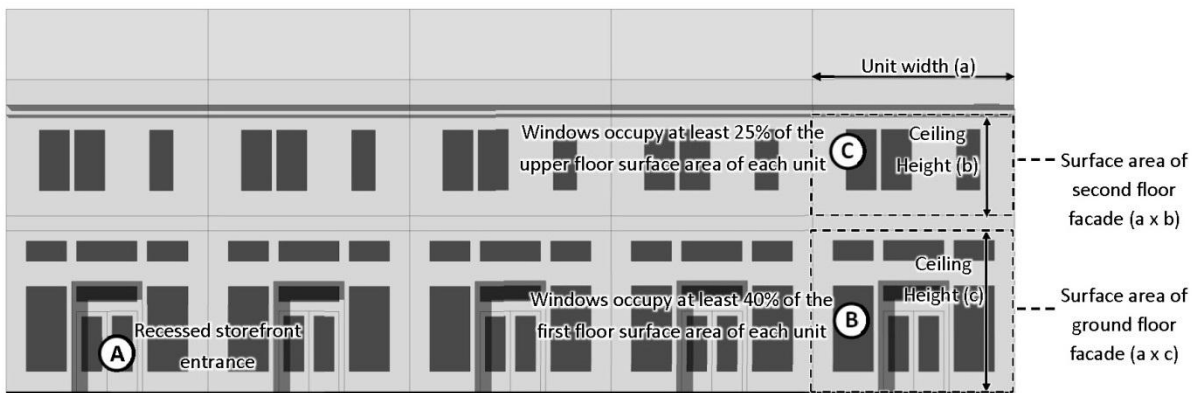


10-1-2709.5: FACADE STANDARDS:

A. Storefront Entrances: Each unit shall have an individual storefront entrance on the front facade. Storefront entrances shall be recessed into the facade.

B. Ground Floor Windows: on the front facade, windows shall occupy at least 40 percent of the surface area of the ground floor elevation (as measured by multiplying the ceiling height of the storefront by the width of the unit).

C. Upper Floor Windows: on the front facade, windows shall occupy at least 25 percent of the surface area of the upper floor elevation (as measured by multiplying the ceiling height by the width of the unit).



D. Windows shall be provided along street-facing side facades. At least two (2) windows are required on each floor of the street-facing side facade.

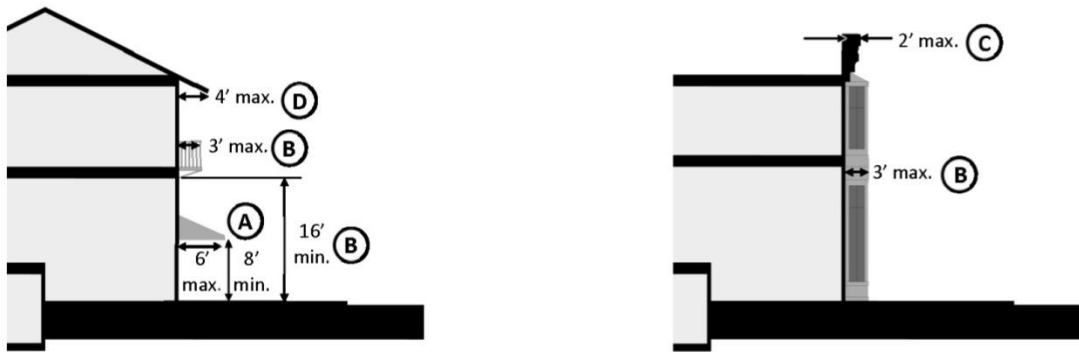
10-1-2709.6: FACADE PROJECTIONS AND ENCROACHMENT:

A. On front facades, awnings and canopies may encroach into setbacks and sidewalks at a maximum depth of 6' (as measured from the facade) if at least 8' of vertical clearance is provided. Supporting poles for canopies are prohibited in sidewalks.

B. On front and street-facing side facades, balconies, bay windows, and window shades (horizontal or vertical) may encroach into setbacks by a maximum depth of 3' (as measured from the facade).

C. On front and street-facing side facades, cornices, belt/sill courses, and similar features may encroach into setbacks by a maximum depth of 2' (as measured from the facade) if at least 8' of vertical clearance is provided.

D. On front and street-facing side facades, roof overhangs may encroach into setbacks by a maximum depth of 4' (as measured from the facade).



E. On side facades along required setbacks and rear facades along rear alleys, all of the projections listed in Standards A through D may encroach into the side setback or alley by a maximum depth of 2' (as measured from the facade). All of the vertical clearance standards listed in Standards A through D shall apply.

F. Chimneys shall not encroach into setbacks.

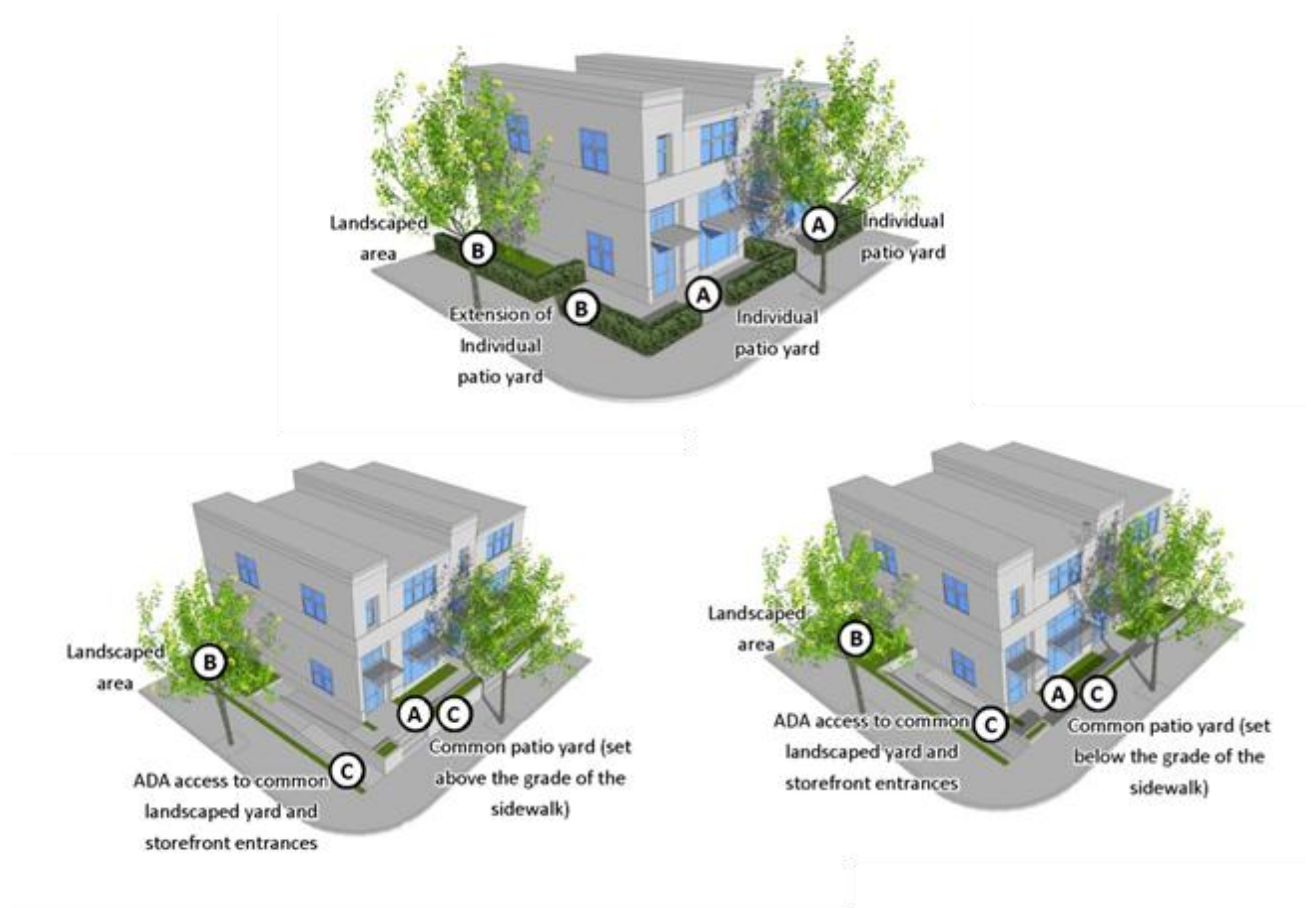
G. Garage doors, when open or opening, shall not encroach into alleys.

10-1-2709.7: YARDS AND OPEN SPACE:

A. Front yards shall be designed as individual patio yards for each unit or as a common patio yard for multiple units. Landscaped surfaces shall occupy at least 30 percent of each patio yard (individual or common).

B. Street-facing side yards may be landscaped or designed as an extension of the adjacent unit's front patio yard. Landscaped surfaces shall occupy at least 30 percent of street-facing side yards.

C. Front yards, side yards, and rear yards may be elevated above or set below the grade of the sidewalk. ADA access shall be provided between the sidewalk and the storefront entrance of each unit. ADA ramps may be located in front or side yards.



D. Hedges, fences, and walls that define rear yards (if provided) shall not exceed a height of 6' as measured from the nearest grade). Hedges, fences, and walls within front and side yards shall not exceed a height of 36" (as measured from the nearest grade). This standard does not apply to guardrails required to meet Building Code requirements and entry arbors.

E. Entry arbors shall be limited to a maximum height of nine 9' (as measured from the highest abutting finished ground surface), a maximum width of six 6', and a maximum depth of 3'.

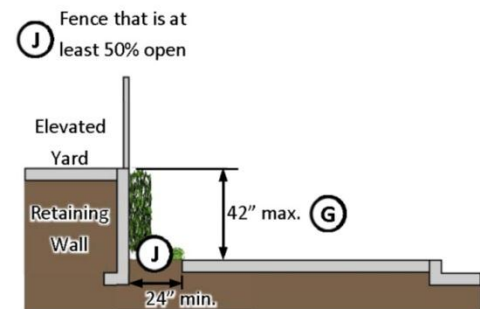
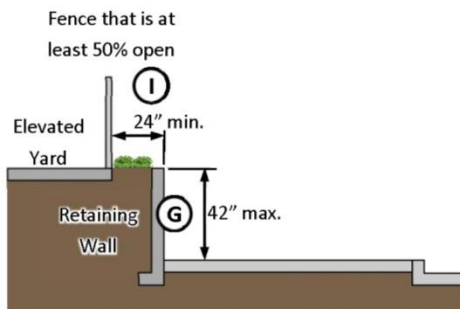
F. Fence posts, wall columns, and gates may exceed the maximum height of the fence or wall by an additional 4".

G. Retaining walls, regardless of their location, shall not exceed an exposed height of 42" (as measured from the nearest grade).

H. Within front and street-facing side yards, only one retaining wall is allowed.

I. Walls and solid fences are prohibited in front and street-facing side yards that are elevated above the grade of the sidewalk and supported by a retaining wall. A fence that is at least 50 percent open is allowed in elevated yards if it is set back from the outer edge of the retaining wall by at least 24". This setback shall be landscaped.

J. As an alternative to Standard I, if the retaining wall for the elevated yard is set back from the sidewalk by at least 24", a fence that is at least 50 percent open may be located directly above the retaining wall. The retaining wall setback shall be landscaped with a hedge that is equal to the height of the retaining wall.



10-1-2709.8: LAND USES:

A. The following uses are permitted in Live-Work Units:

1. Residential dwelling.
2. Accessory residential uses that are located in a rear yard.
3. Small family daycare home per the requirements of the California Child Day Care Facilities Act (California Health and Safety Code, Section 1596.70-1596.799).
4. Home occupations (excluding music home occupations) per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance, with the following exceptions and additional standards:
 - a. The home occupation does not have to be an incidental or secondary use to the residential dwelling.
 - b. Dance and fitness training (such as yoga, Pilates, and martial arts) are additional home occupations allowed in live-work units, provided that on-site classes do not create noise or vibrations in adjacent units or yards in excess of what is normally expected in a multi-family residential environment.
 - c. Employees that do not live in the unit are allowed. However, only one of these employees is allowed to work within the unit at any given time. Increased staffing with more than one additional employee may be permitted with the approval of a Conditional Use Permit.
 - d. The maximum area of the work space for home occupations shall not exceed 60 percent of the total square footage of the unit.

e. Art work and jewelry created by the home occupation may be displayed and sold on the premises.

f. Section 10-1-672.I (Pedestrian and Vehicle Traffic) does not apply to home occupations in Live-Work Units.

g. Section 10-1-672.K (Signs and Advertising) does not apply to home occupations in Live-Work Units. Commercial signs are allowed per the standards and guidelines in Section 10-1-2711.

h. Home occupations shall have no more than two clients, customers, and or guests at one time. This standard does not apply to residential gatherings.

i. Ceramic kilns, glass blowing furnaces, and welding (as a form of artistry) may be permitted with the approval of a Conditional Use Permit. Additional permits may also be required to meet Building Code requirements.

j. On-site parking for clients, customers, and guests is not required as all Live-Work Units would front a street (existing or new) with on-street parking.

k. Large family daycare homes per the requirements of the California Child Day Care Facilities Act (California Health and Safety Code, Section 1596.70-1596.799) and Title 10, Article 6, Division 13 (Large Family Day Care Home) of the Burbank Zoning Ordinance may be permitted with an Administrative Use Permit.

l. Music home occupations may be permitted with an Administrative Use Permit per the requirements in Title 10, Article 6, Division 11 (Home Occupations) of the Burbank Zoning Ordinance, with the following exceptions and additional standards:

- The music home occupation does not have to be an incidental or secondary use to the residential dwelling.

- Music lessons and studio recordings are allowed in live-work units that share a common wall with another unit provided that the instruments and singing voices do not create noise or vibrations in adjacent units or yards in excess of what is normally expected in a multi-family residential environment.

- On-site parking for clients, customers, and guests is not required as all Live-Work Units would front a street (existing or new) with on-street parking.

DIVISION 4: GENERAL DESIGN STANDARDS

10-1-2710: ARCHITECTURE STANDARDS:

10-1-2710.1: BUILDING FACADES:

A. Purpose and Intent: The purpose and intent of this section is to enhance the public realm by creating attractive buildings with articulated facades that add character to the building.

B. Articulation: All building facades that are visible to the public and surrounding neighbors shall be articulated. Methods of articulation that may be considered to comply with this standard include, but are not limited to:

1. Designing the facade with a composition of multiple parts, such as a base for the ground floor, body for upper floors, and/or cap for the roof.

2. Breaking facades into distinguishable vertical elements and changing the building height.

3. Creating projections and recesses along the facade.

4. Providing projecting elements, such as bay windows balconies, awnings, and shade structures.

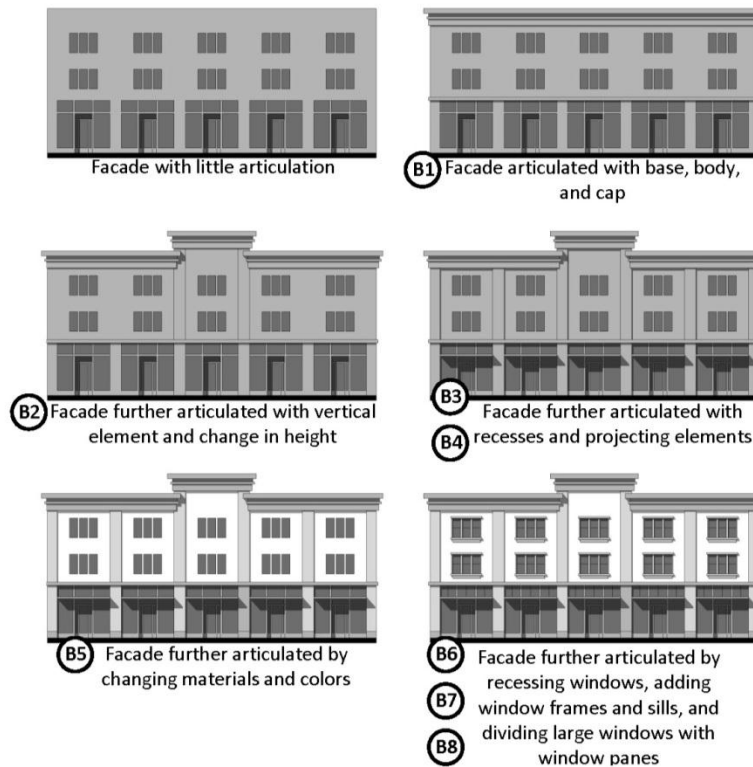
5. Changing building materials and colors.

6. Adding window frames and window sills.

7. Recessing windows into the facade to add depth and create shadow patterns.

8. Dividing large windows into smaller window panes.

The level of articulation required may vary based on the facade length and overall building mass. In general, larger buildings will require a higher level of articulation.



C. Consistent Design on all Facades: All facades that are visible to the public and surrounding neighbors shall be designed, treated, and finished in a manner compatible with the other visible sides of the building.

10-1-2710.2: PARKING STRUCTURE FACADES:

A. Purpose and Intent: The purpose and intent of this section is to minimize the visual identity of parking structures when they are visible from streets and surrounding properties.

B. Design Approach: Parking structure facades that are visible from streets and surrounding properties shall be designed to minimize the appearance of the structure's internal function as a parking structure. Design approaches that may be considered to comply with this standard include, but are not limited to:

1. Defining stair wells and elevator cores as tower elements to create variety in the height and mass of the structure.

2. Where feasible, internalizing ramps to avoid an angular geometry along the perimeter of the structure or partially concealing the angular geometry with facade treatments.

3. Disrupting the monotony of the underlying structure by incorporating patterns of openings and variations in color, material, and/or texture.

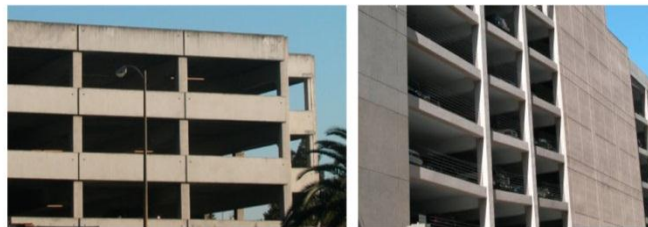
4. Incorporating facade projections, shade structures, cornice treatments, and other architectural details.

5. Minimize the glare and visibility of external and internal lights. Pole mounted light fixtures on the upper deck of the parking structure shall be located between internal parking rows (rather than at the structure's perimeter). Exterior and interior lighting shall be directed and shielded to prevent spill-over lighting and off-site glare.

Example images of parking structures that generally comply and generally do not comply with the above standards are provided below.



Parking structures that generally comply with standards for parking structure facades: Allowed



Parking structures that do not comply with standards for parking structure facades: Prohibited

C. Ground level and Partially Underground Parking: Parking levels that are at ground level or partially underground shall be screened by a facade that is compatible with the design of the rest of the building. Window openings are allowed to provide ventilation and natural lighting. However, the window openings shall include decorative metal grates (excluding chain link) to screen views into the structure. Large un-screened openings into partially underground parking levels shall be prohibited. Designs where the building appears to “float” or sit on top of an exposed parking level are prohibited.



Example of inappropriately designed facade on a partially underground parking level. The building appears to “float” over the exposed parking level: prohibited



Examples of appropriately designed facades on ground level and partially underground parking levels. The parking levels have facades that are compatible with the rest of the structure and window openings with decorative metal grates to screen views into the structure: allowed

10-1-2710.3: BUILDING MATERIALS AND FINISH COLORS:

A. Purpose and Intent: The purpose and intent of this section is to:

1. Extend the overall life span of a building by promoting durable exterior materials and construction techniques that prevent moisture infiltration.
2. Reduce the use of natural resources by promoting building materials that do not need to be replaced or repaired frequently and/or are reusable or recyclable.
3. Promote diversity by encouraging a variety of compatible materials and accent colors on facades.

B. Appropriate Materials: Durable and low maintenance finish materials are required. Examples of appropriate building materials include, but are not limited to:

1. Transparent Glass
2. Insulated concrete forms (fiber-cement block systems, plank or panel wall forms, and precast autoclaved aerated concrete).

3. Stucco
4. Stone and brick masonry
5. Metal (copper, steel, and aluminum) or fiber-cement composite roofing materials
6. Fiber-cement composite cladding and siding
7. Wood waste/recycled plastic lumber products
8. Heavy timber beam
9. Tile accents
10. Aluminum window frames and sashes with a thermal break
11. Composite window frames and sashes (vinyl clad/recycled wood fiber, aluminum clad/recycled wood fiber, and fiberglass composite)
12. Solid wood doors (flush or panel), insulated steel doors, or glass doors with double pane, insulated glass.
13. Glass fiber reinforced concrete
14. Exterior insulation and finish systems

The building industry is constantly evolving and new products are constantly emerging. Therefore, the list of appropriate materials shall not be viewed as an exhaustive list. New materials should be considered that meet the purpose and intent of this section.

C. Inappropriate Materials: Materials that are discouraged include:

1. Vinyl siding
2. Hardboards
3. Asphalt shingle roofing
4. Foam plant-ons
5. Reflective glass
6. Tinted glass
7. Frosted glass

D. Variety of Materials: A variety of exterior building materials shall be used on facades. Selected building materials and finishes shall be harmonious in design character and detail. Building materials shall be represented honestly with heavier materials (such as masonry) supporting lighter materials (such as stucco or fiber-cement composite cladding).

E. Material and Color Changes: Changes in materials and colors shall occur along horizontal lines or at internal building corners only. Material changes along vertical lines are discouraged and material changes at outside corners are prohibited.



F. Projections: Building materials and finishes used for architectural projections, such as awnings and balconies, shall express a unifying design consistent with style of the building.

G. Colors: A variety of complimentary color palettes are encouraged on facades to create diversity and variety. If used, bold and bright colors shall be used as accents only and shall be balanced with soft or muted colors on the facade.

10-1-2710.4: WINDOWS AND SHADE STRUCTURES:

A. Purpose and intent: The purpose and intent of this section is to encourage windows and window shades that reduce the use of energy, improve indoor air quality, allow natural ventilation, and enhance the visual character of the building.

B. Natural Ventilation: To provide opportunities for natural ventilation, windows that open and close should be used to the maximum extent feasible.

C. Low-E Glass: Low-emittance (Low-E) glass should be used on windows, glass doors, and skylights. Low-E glass blocks the sun's UV rays (the rays that primarily heat building interiors).

D. Non-reflective Glass: Window glazing shall be non-reflective to minimize glare impacts.

E. Window Shades: Design techniques that shade windows are encouraged to reduce unwanted solar heat. The following techniques are encouraged (but not required):

1. Recess windows and glass doors into the facade to provide both horizontal and vertical shading.

2. Provide horizontal shade structures (awnings, marquees, louvers, light shelves, or roof overhangs) on south-facing facades to block late morning and afternoon sun.

3. Use vertical-oriented shade structures (louvers or fins) on west-facing facades to block late afternoon sun.

4. Use shade structures (vertical and horizontal) that can be adjusted (manually or automatically) to provide interior light or shade, such as metal louvers or expanding awnings.



Examples of window shades

10-1-2710.5: ROOFS:

A. All parapets shall have returns equal to the height of the parapet. Parapets used for fire separation purposes shall be visually integrated into the building.

B. All mansards shall be continuous on all sides of a building visible from neighboring properties and public rights-of-way, including those elevations facing a street, alley, yard, setback or open space. All mansards on all other elevations which are not exposed or visible to neighboring properties and public rights-of-way, shall have a return at least equal to the height of the mansard.

C. All roof mounted equipment shall be screened from view through the use of architectural screening systems which are visually integrated into building design with respect to color, material and form

10-1-2710.6: EXTERIOR STAIRS:

A. Enclosures or landscape barriers must be provided wherever there is less than 7' vertical clearance below stairs.

B. Stair rails shall be integrated into the overall building and site design. Thin section wrought iron, and stair rails that have minimal form, mass or color reference to the design elements within the facade are prohibited.

C. Open risers are prohibited on stairs.

10-1-2711: SIGN REGULATIONS:

A. Purpose and Intent: Article 10 of the Burbank Zoning Ordinance (Sign Regulations) shall be used to regulate signs within the North San Fernando Commercial Zone. This section provides exceptions and additional standards for signs within North San Fernando Commercial Zone. If a provision of this section conflicts with a provision of Article 10, the provision in this section shall apply. The purpose and intent of this section is to:

1. Establish sign standards for Live-Work Units.

2. Establish additional design standards that promote high quality signs that are compatible with a mixed-use and multi-modal commercial corridor.

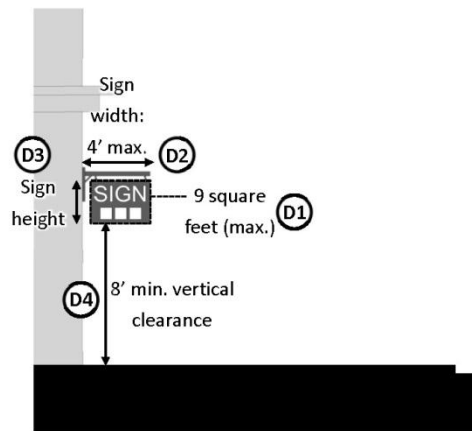
B. Signage for Live-Work Units: Signs for each unit shall be limited to one ground floor window sign and one projecting sign.

C. Window signs for Live Work Units: Window signs shall not cover more than 15percent of the window pane's total area.



D. Projecting Signs for Live-Work Units: Projecting signs shall comply with the following standards:

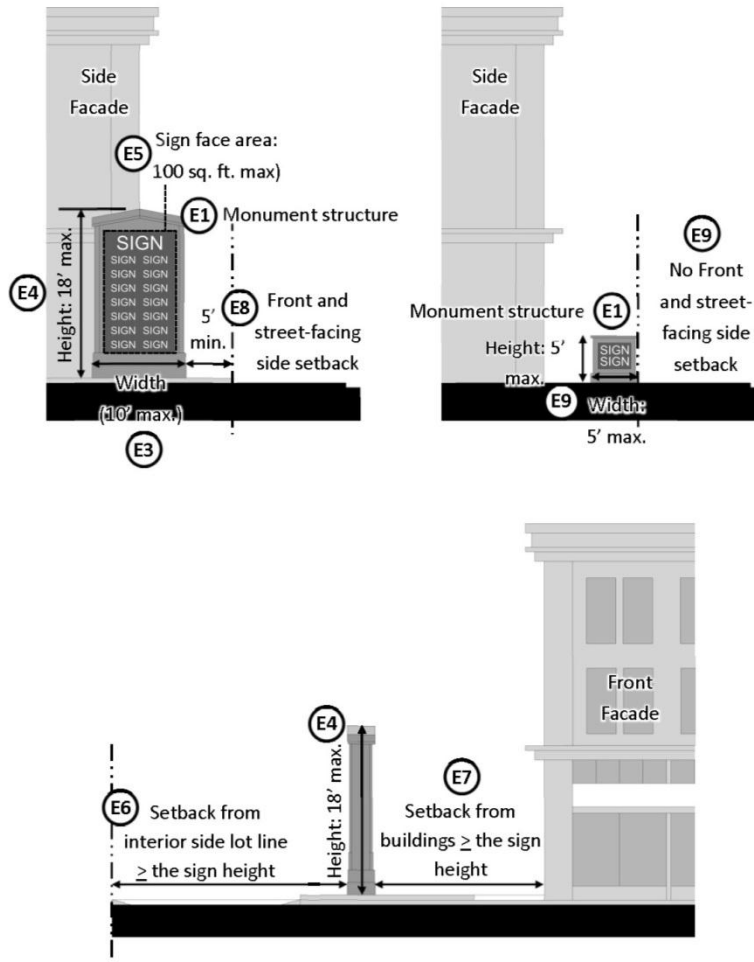
1. The sign area of each face of a projecting sign shall not exceed 9 square feet.
2. The width of a projecting sign shall not exceed 4' (as measured from the facade).
3. The projecting sign shall have a square or horizontal orientation (sign height shall not exceed sign width).
4. At least 8' of vertical clearance shall be provided between the nearest ground surface and the lowest point of the projecting sign.



E. Commercial Ground signs: Ground Signs shall comply with the applicable design standards in Section 10-1-1005 (Ground Signs), with the following exceptions:

1. Ground signs shall be mounted on a monument structure with a design that is compatible with the architecture of the buildings on the property. Design compatibility can be achieved by using similar building materials, colors, and details.
2. Ground signs supported by poles or columns are prohibited.
3. The maximum width of the monument structure shall be 10'.
4. The maximum height of the monument structure shall be 18' (as measured from the nearest ground surface).
5. The maximum sign area (per face) shall not exceed 100 square feet.
6. Ground signs shall be set back from interior side and rear lot lines by a distance that is equal to or greater than the height of the sign.
7. Ground signs shall be set back from buildings by a distance that is equal to or greater than the height of the sign.
8. Ground signs that are greater than 5' tall shall be set back from front and street-facing side lot lines by at least 5'.

9. Setbacks from front and street-facing side lot lines are not required for ground signs that are 5' tall or less and 5' wide or less provided that the required corner cutoff is maintained (see Section 10-1-2714).



F. Sign Illumination: If illuminated, signs shall be illuminated by one of the following techniques:

1. Wall mounted lights that externally illuminate signs.
2. Back-lighting of cut-out letters and symbols that are mounted to the sign.
3. Neon tube lighting.
4. Internal illumination of individually mounted channel letters and logos.



F1 Wall mounted lights that externally illuminate signs: allowed



F3 Neon tube lighting: allowed



F2 Back-lighting of cut-out letters and symbols that are mounted to the wall: allowed



F4 Internal illumination of individually mounted channel letters and logos: allowed

G. Box signs (or canned signs) where the entire sign is illuminated (including letters, symbols, and background) are prohibited.



G Box signs (or canned signs) where the letters, symbols, and background are illuminated: prohibited

10-1-2712: UTILITY AND MECHANICAL EQUIPMENT:

A. Purpose and Intent: The purpose and intent of this section is to minimize the visual impacts of utility and mechanical equipment on buildings and properties.

B. Locations: Mechanical equipment should be located on the roof or within the building whenever feasible. Roof equipment should be placed away from the roof edge. When equipment must be located on the ground, it should be located along the rear facade or interior side facades to the maximum extent feasible. Equipment shall be screened from public view with a combination of equipment enclosures, landscaping, and/or fencing.

C. Heaters and air conditioning units within window openings are prohibited.

D. Roof cornices or architectural screening systems that are visually integrated into the building design (with respect to form, material, and color) shall be used to screen roof equipment from public views.

E. Satellite Dishes: Satellite dishes shall be limited to a diameter of 18 inches. When feasible, satellite dishes should be located on roofs behind screening, rather than on balconies or facades.

F. Solar Panels: Solar panels are allowed on buildings (but not required). Solar panels do not have to be screened from public view, but shall be incorporated into the building's architectural design.

10-1-2713: LANDSCAPE STANDARDS:

10-1-2713.1: PLANTING AND IRRIGATION STANDARDS:

A. Purpose and Intent: The purpose and intent of this section is to:

1. Ensure that planted areas are enhanced with a variety of planting materials with varying heights.

2. Reduce water consumption by requiring drought tolerant plants and trees.

3. Minimize water use by installing efficient irrigation systems for landscaped areas.

B. Drought Tolerant Plants: Planting species selected shall be drought tolerant. This standard does not apply if site landscaping is irrigated with recycled water.

C. Low maintenance plants are encouraged to reduce on-going expenses.

D. Stormwater Treatment: Planting areas should be designed to receive and filter stormwater runoff from adjacent roofs and paved surfaces.

E. Variety: A variety of planting materials and plant heights should be provided in landscaped areas. Appropriate planting materials include, but are not limited to, trees (deciduous, evergreen, and ornamental), shrubs, groundcovers, and accent plants.

F. Mowed Turf: Mowed turf and artificial turf is discouraged.

G. Mulch: Planting beds and pots shall be finished with professional grade mulch with a minimum 2-inch depth.

H. Irrigation: All landscape areas shall include automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data. Sensors, either integral or auxiliary, shall be installed to suspend or alter irrigation operation during wet weather conditions. Drip irrigation and other low water use technologies should be used to the maximum extent feasible to reduce water consumption.

I. Planter Pots: Planter pots shall be irrigated by hand-watering, automatic irrigation systems, or irrigation bladders. Such pots shall be positively drained through an underground drainage system or use of a waterproof tray to avoid staining the pavement. If

an irrigation bladder is used or if the planter is hand-watered, no drainage system is required.

J. Maintenance: All landscaped areas, including planters and pots and associated irrigation systems, shall be regularly maintained by the property owner or the homeowners' association (HOA).

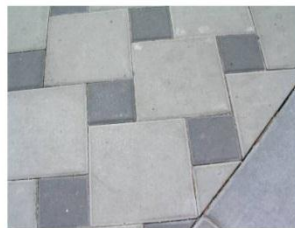
K. All exposed ground surfaces (areas of the site that are not paved or occupied by a building) shall be landscaped.

10-1-2713.2: PAVING MATERIAL STANDARDS:

A. Purpose and Intent: The purpose and intent of this section is to provide paving materials that are compatible with the design of the outdoor space and adjacent building and that utilize measures to increase site permeability.

B. Paving Materials: Paving materials used in yards, setbacks, common-open space areas, courtyards, walkways, and patios may include cast-in-place concrete, stamped concrete, concrete unit pavers, stone, brick, tile, aggregate recycled paving materials, and decomposed granite. Decomposed granite and aggregate recycled paving materials shall be retained at the edge by concrete, wood, steel, or recycled headers. Methods shall be applied to assure that these materials are not transferred into streets, alleys, sidewalks, and the public right-of-way.

C. Permeable Surfaces: Permeable paving materials should be used to reduce the impervious surface area of the site and minimize stormwater runoff.



Examples of paving materials.

10-1-2713.3: WALLS AND FENCES:

A. Quality materials shall be used for all fences and walls. Wrought iron, wood, recycled plastic/wood composites, and masonry materials are encouraged. Chain link fences, barbed wire, razor wire, electric wire, and similar wire types are prohibited if they are visible from a public sidewalk.

B. Fences and walls shall have a quality design that is compatible with the architecture of buildings on the site

10-1-2713.4: SITE FURNITURE STANDARDS:

A. Purpose and Intent: The purpose and intent of this section is to provide appropriate site furniture to create a comfortable and welcoming environment.

B. Materials: Site furniture shall be designed of recycled composite materials or durable materials to extend the life of the product and/or minimize the use of natural resources. Plastic tables and chairs are discouraged.

C. Consistency: Each business shall have a consistent and unified theme for all site furnishings.



Example of site furnishings.

10-1-2713.5: LIGHTING STANDARDS:

A. Purpose and Intent: The purpose and intent of this section is to provide safe, pedestrian-friendly, and energy-efficient lighting within yards and common areas frequently used by pedestrians.

B. Lighting Locations: Lighting is required in all surface parking lots, parking structures, outdoor seating and dining areas, outdoor walkways, outdoor trash/recycling storage area, and other areas routinely used by pedestrians.

C. Pedestrian-Scaled Lighting: Pedestrian-scaled lighting, such as lighted bollards, light posts below 14 feet in height, and light fixtures mounted on buildings or walls, shall be used throughout the site.

D. Energy Efficiency: Lighting should be energy-efficient, and/or use alternative energy sources when feasible.

E. Shielding: Lighting shall be directed and/or shielded to illuminate only the intended area of illumination. Lights that spill into residential units or lots or create off-site glare are prohibited.

F. Light Colors: Lighting shall emit a white light that renders true colors. Sodium vapor, or other lights casting a colored glow, should not be used. This standard does not apply to colored accent lighting for special building elements, signs, or landscape or water features.

10-1-2714: CORNER CUTOFF:

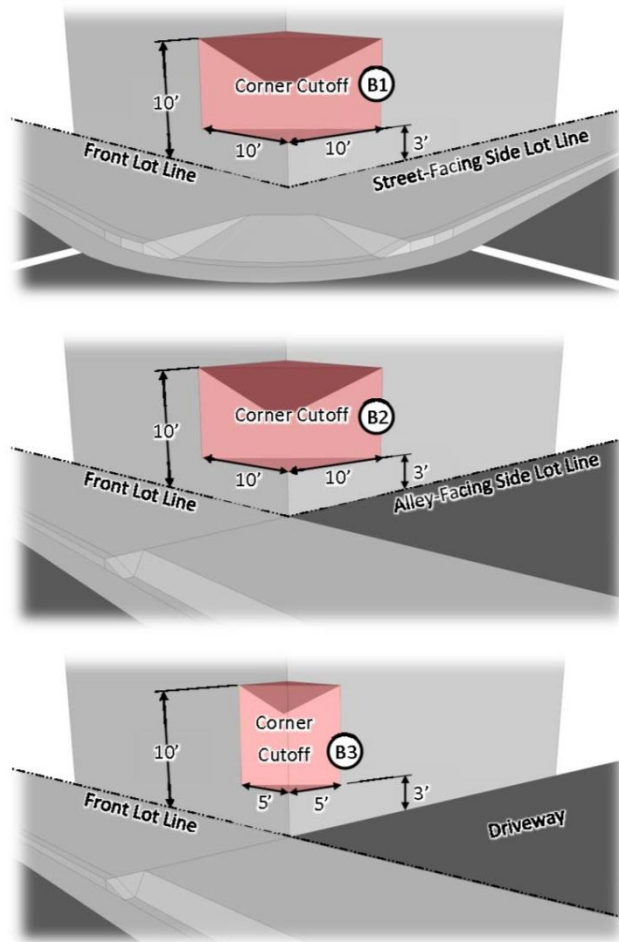
A. Purpose and Intent: The purpose and intent of this section is to maintain adequate lines of sight at the intersections of streets, driveways, and alleys in order to minimize accidental collision.

B. No structure, object, or feature, including but not limited to buildings facades, fences, walls, hedges, signs, lights, and furniture, may be erected or maintained in any zone below a height of ten (10) feet and above a height of three (3) feet above the finished ground surface within a corner cutoff area. The corner cutoff area is defined by a horizontal plane making an angle of 45 degrees with the front, side, or rear property lines as the case may be, and passing through points as follows:

1. Streets: At intersecting streets, ten (10) feet from the intersection at the corner of a front or side property line.

2. Alleys: At the intersection of an alley with a street or another alley, ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.

3. Driveways: At the intersection of a driveway with a street or alley, five (5) feet from the edges of the driveway where it intersects the street or alley right-of-way (see Standard C or exceptions).



C. Corner cutoffs are not required along alleys and the garages of Townhomes and Live-Work Units.

10-1-2715: SHARED PARKING:

A. Purpose and Intent: The purpose and intent of this section is to:

1. Provide a flexible method for property owners to meet their off-street commercial parking requirements.
2. Reduce the amount of land required to meet off-street parking requirements by reducing the total number of parking spaces required among shared uses.
3. Reduce the cost to construct and maintain parking facilities by reducing the total number of parking spaces required among shared uses.

B. With the approval of an Administrative Use Permit, the City of Burbank may approve shared parking arrangements for commercial uses (including uses on separate properties) if the shared parking complies with all of the following standards:

1. Shared Parking Analysis: Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the City of Burbank that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the City of Burbank and made available to the public. The study must address, at a minimum, the size and type of the proposed developments utilizing shared parking, the composition of tenants, the anticipated rate of parking turnover, the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces, and the times at which anticipated peak parking and traffic loads for all uses will occur. Based on parking demand at peak parking periods, the study must clearly justify a reduction in parking.

2. Approval of Shared Parking: The Community Development Director may approve a shared parking arrangement and a reduction in the total number of off street parking spaces when he/she finds that there shall not be a substantial overlap of peak parking periods for the uses and that a sufficient number of spaces exists to accommodate the peak parking periods of all uses. Opposing peak parking periods may occur during daytime and evening, weekday and weekend, or during other times judged to be sufficient to accommodate shared parking.

3. Off-street parking shall be provided based on the peak parking demand for all uses (as determined by the shared parking analysis) plus an additional 10percent for contingency purposes.

4. Distance from Primary Entrance: Shared parking spaces, including those located on separate parcels, must be located within 600 feet of the primary entrances of all uses served.

5. Covenant for Shared Parking: A shared parking plan will be enforced through an irrevocable, written covenant among all owners of record. An attested copy of the irrevocable covenant between the owners of record must be submitted to the City of Burbank for recording on forms made available by the City. The covenant must be recorded in the County Recorder's office before any building permits may be issued for any use to be served by the shared parking area. The shared parking covenant must guarantee long-term access to and use of the shared parking spaces by the recipient uses. A shared parking covenant may be cancelled, but only if it is shown that all required off-street parking spaces can otherwise be provided for the properties that were involved in the covenant.

6. The number of required parking spaces for all uses, including fractions of a space, shall be added together before rounding. The sum total is subject to normal rounding procedures (a fraction 0.5 or greater counts as an additional space).