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CHAPTER 17.100: PURPOSE AND EFFECT OF ZONING CODE

§ 17.100.005 TITLE.

This Title is and shall be cited as the Culver City Zoning Code, Title 17 of the Culver City Municipal Code, hereafter referred to as “this Title.”

(Ord. No. 2005-007 §1 (part))

§ 17.100.010 PURPOSE.

This Title carries out the policies of the Culver City General Plan by classifying and regulating the uses of land and structures within the City. This Title is adopted to protect and promote the public health, safety, and general welfare of residents and businesses in the City. More specifically, it is the purpose of this Title to:

- A. Provide standards that will guide the orderly growth and development of the City;
- B. Preserve and protect the integrity and character of the City's residential neighborhoods;
- C. Maintain vital areas for business activities that serve the community and protect the quality of life;
- D. Require thoughtful planning and design that enhances the visual character of the City and avoids conflicts between land uses;
- E. Respect the City's physical setting and constraints, and protect and preserve its natural resources;
- F. Create a comprehensive and stable pattern of land uses for which public services and infrastructure can be efficiently and adequately planned; and
- G. Ensure that property within the City is well maintained by requiring each owner, occupant, or other person in charge of any property to keep it in good repair and in compliance with the provisions of this Title.

(Ord. No. 2005-007 § 1 (part))

§ 17.100.015 AUTHORITY, RELATIONSHIP TO GENERAL PLAN.

A. Authority. This Title is enacted based on the authority vested in the City of Culver City (hereafter referred to as the "City") by the City Charter and the Culver City Municipal Code (hereafter referred to as "CCMC"); and by the State of California, including but not limited to: the State Constitution; the State Planning and Zoning Law (Cal. Gov't Code §§ 65800 et seq.); the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.); the California Health and Safety Code; and other applicable statutory provisions.

B. General Plan Consistency. The City's General Plan is the document that establishes the broad goals and policies for all future development. This Title is the primary tool used to implement the goals, objectives, and policies of the General Plan. The City Council intends that this Title be consistent with the General Plan, and that any land use or development approved in compliance with this Title will also be consistent with the General Plan.

(Ord. No. 2005-007 § 1 (part))

§ 17.100.020 APPLICABILITY OF THE ZONING CODE.

This Title applies to all land uses, structures, subdivisions, and development within the City, as follows:

A. **New Land Uses or Structures.** It shall be unlawful, and a violation of this Title, for any person to establish or construct any land use or structure, except in compliance with the requirements of this Title.

B. **Existing Land Uses or Structures.** The requirements of this Title are not retroactive in their effect on land uses or structures lawfully established before the effective date of this Title or any applicable amendment. Existing land uses or structures are lawful and not in violation of the CCMC only when operated and maintained in compliance with all applicable provisions of this Title. Any alteration, expansion or modification of existing land uses or structures shall comply with all provisions of this Title.

C. **Issuance of Building or Grading Permits.** The City may issue building, grading or other construction permits only when:

1. The proposed land use and/or structure satisfies the requirements of Subsection 17.100.020.A. (New Land Uses or Structures) above, and all other applicable statutes, ordinances, rules, and regulations; and

2. The site was subdivided in compliance with all applicable requirements of Chapter 15.10 (Subdivisions) of the CCMC.

D. **Subdivision of Land.** Any subdivision of land proposed within the City after the effective date of this Title shall be consistent with this Title and Chapter 15.10 (Subdivisions) of the CCMC.

E. **Effect of Zoning Code Amendments on Projects in Progress.** All land use permit applications that have been determined by the Division to be complete before the effective date of this Title, or any amendment to this Title, will be processed in compliance with the requirements in effect when the application was accepted as complete.

F. **Other Permits and Requirements.** Nothing in this Title eliminates the need for obtaining any other permits required by the City, or any permit or approval required by other provisions of the CCMC or the laws, rules or regulations of any City department, or any County, regional, State, or Federal agency.

G. **Conflicting Permits and Licenses.** All permits shall be issued by the City in compliance with the provisions of this Title after the effective date of this Title or any amendment to this Title. Any permit, excluding business tax certificates, issued in conflict with this Title shall be void.

(Ord. No. 2005-007 § 1 (part))

§ 17.100.025 RESPONSIBILITY FOR ADMINISTRATION.

This Title shall be administered by the City Council (hereafter referred to as the "Council"), Planning Commission (hereafter referred to as the "Commission"), Board of Zoning Adjustments (hereafter referred to as the "Board"), Community Development Director or his/her designee (hereafter referred to as the "Director"), and Planning Division (hereafter referred to as the "Division") as provided in Chapter 17.600 (Administrative Responsibility).

(Ord. No. 2005-007 § 1 (part))

§ 17.100.030 PARTIAL INVALIDATION OF ZONING CODE.

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Title is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this Title. This Title, and each portion thereof, would have been adopted irrespective of the fact that one or more portions of this Title may be declared invalid, unconstitutional or unenforceable.

(Ord. No. 2005-007 § 1 (part))

§ 17.100.035 PROCEDURAL REQUIREMENTS.

Failure to follow the procedural requirements contained within this Title shall not invalidate City actions taken in the absence of a clear showing of intent.

(Ord. No. 2005-007 § 1 (part))

CHAPTER 17.110:

LAND USE AND DEVELOPMENT APPROVAL REQUIREMENTS

§ 17.110.005 REQUIREMENTS FOR LAND USES AND DEVELOPMENT.

No land use or structure shall be established, constructed, reconstructed, altered, allowed or replaced unless that land use or structure complies with the following requirements.

A. Allowable Use. The land use shall be identified by Chapters 17.210 (Residential Zoning Districts), 17.220 (Commercial Zoning Districts), 17.230 (Industrial Zoning Districts), 17.240 (Planned Development Zoning Districts), 17.250 (Special Purpose Zoning Districts) and 17.260 (Overlay Zones) as being allowable in the zoning district applied to the subject site.

B. Permit Requirements. Any land use permit required by this Title shall be obtained before the proposed use is constructed or otherwise established or put into operation,

unless the proposed use is listed in § 17.110.010 (Exemptions from Land Uses and Development Approval Requirements). The land use permit requirements of this Title are established by Chapters 17.210 (Residential Zoning Districts), 17.220 (Commercial Zoning Districts), 17.230 (Industrial Zoning Districts), 17.240 (Planned Development Zoning Districts), 17.250 (Special Purpose Zoning Districts) and 17.260 (Overlay Zones).

C. Development Standards. Every land use and structure shall comply with all applicable requirements of this Title, including the development standards of Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), and the provisions of Article 3 (Site Planning and General Development Standards) and Article 4 (Standards for Specific Land Uses). In addition, every land use and structure shall comply with all applicable requirements of any adopted Development Agreement, Comprehensive Plan, and Specific Plan.

D. Conditions of Approval. Every land use and structure shall comply with all applicable conditions imposed by the City as part of an approved land use permit.

E. Development Agreement Provisions. Every land use and structure shall comply with any applicable agreement related to the site which has been approved by the City or Redevelopment Agency, including but not limited to, an Owner-Participation Agreement, a Disposition and Development Agreement, or a Development Agreement.

(Ord. No. 2005-007 § 1 (part))

§ 17.110.010 EXEMPTIONS FROM LAND USE PERMIT REQUIREMENTS.

The land use permit requirements of this Title do not apply to any activity, land use, or structure identified by this Section.

A. Exempt Activities, Land Uses and Structures. The following activities, land uses, and structures are exempt from the land use permit requirements of this Title when in compliance with all applicable development standards of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards), Article 3 (Site Planning and General Development Standards), and Article 4 (Standards for Specific Land Uses):

1. Decks, paths and driveways. Any deck, platform, and on-site path not required by the CCMC to have a building permit or grading permit, not more than 24 inches above natural grade, and not above any basement or story below.

2. Governmental facilities. Any facility and operation regulated by the State or Federal government on land owned or leased by a governmental agency, to the extent that exemption is required by State or Federal law.

3. Interior remodeling. Any interior alteration that does not increase the number of rooms, bedrooms, or the gross floor area within a structure, or change or intensify the permitted use of that structure.

4. Portable spas, hot tubs, and fish ponds. Any portable spa, hot tub, fish pond, or similar installation as determined by the Director, that does not exceed: 120 square feet in total area, including related equipment; 2,000 gallons of water; and 3 feet in depth. These facilities shall comply with the setback requirements established by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) for the applicable zoning district, or Article 4 (Standards for Specific Land Uses).

5. Repair and maintenance. Repair and maintenance to other than a designated historic structure, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure, and if any exterior repair employs the same materials and design as the original.

6. Small portable residential accessory structure. Any portable storage shed, play equipment or other small structure in any residential zoning district, up to 120 square feet in total area, that is exempt from building permit requirements in compliance with the CCMC and Uniform Building Code. These structures shall comply with the setback requirements established by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) for the applicable zoning district, or Article 4 (Standards for Specific Land Uses).

7. Solar collectors. The addition of solar collection systems to the roof or sides of an existing structure, provided the collectors comply with the applicable height limit requirement.

8. Utilities. The construction, alteration, or maintenance by a public utility or public agency of any underground or overhead utilities. These include water, gas, electric, or telecommunication (excluding wireless communications facilities), supply or disposal system; including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, utility boxes, traffic signals, and hydrants, but not including any structures, shall be permitted in any zoning district.

(Ord. No. 2005-007 § 1 (part))

§ 17.110.015 TEMPORARY USES.

Requirements for establishing a temporary use (seasonal sales lot, construction yards, special events, and temporary structures, and the like) are set forth in Chapter 17.520 (Temporary Use and Special Event Permits).

(Ord. No. 2005-007 § 1 (part))

§ 17.110.020 ADDITIONAL PERMITS OR APPROVALS.

An allowed land use that is exempt from a land use permit, or has been granted a land use permit, may still be required to obtain other permits before the use is constructed, or

otherwise established and put into operation. Nothing in this Chapter shall eliminate the need to obtain any permit or approval required by:

A. Any other provision of the CCMC, including: subdivision approval, building permits, grading permits, other construction permits, encroachment permits, a business tax certificate or permit to operate, all as may be appropriate.

B. Any special district, or any regional, State, or Federal agency.

All necessary permits shall be obtained before starting work, or expanding or establishing a land use.

(Ord. No. 2005-007 § 1 (part))

§ 17.110.025 CONFLICTING APPROVALS.

All Departments, officials, or public employees vested with the authority or duty to issue licenses, zoning approvals or permits where required by law shall conform to the provisions of this Title. A license or zoning approval for uses, structures, or purposes in conflict with the provisions of this Title shall not be issued. Any license, zoning approval or permit issued in conflict with the provisions of this Title shall be deemed void.

(Ord. No. 2005-007 §1 (part))

CHAPTER 17.120: INTERPRETATION OF ZONING CODE PROVISIONS

§ 17.120.005 PURPOSE.

This Chapter provides rules for resolving questions about the meaning or applicability of any requirement of this Title. The rules provided in this Chapter are intended to ensure the consistent interpretation and application of the provisions of this Title.

(Ord. No. 2005-007 §1 (part))

§ 17.120.010 RULES OF INTERPRETATION.

A. Authority. The Director shall have the responsibility and authority to interpret the requirements of this Title.

B. Language.

1. Terminology. When used in this Title, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The

words “includes” and “including” shall mean “including but not limited to . . .” The words “buildings and structures” are referred to as “structures.”

2. Common words use. If not specifically defined herein, or the context otherwise requires, then words of common use shall be defined as found in standard dictionaries.

3. Number of days. Whenever a number of days is specified in this Title, or in any permit, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days, unless otherwise specified. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend, a City-recognized holiday, or a day the City is not open for business.

4. Minimum requirements. When any regulation of this Title is being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (such as height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).

5. State law requirements. Where this Title references provisions of State law (e.g., The California Government Code, Subdivision Map Act, Public Resources Code, and the like), the reference shall be construed to be the current State law provisions, as they may be amended from time to time.

C. Calculations - Rounding. Wherever this Title requires calculations to determine applicable requirements, any fractional results of the calculations shall be rounded to the next higher whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5. In the case of the number of dwelling units, numerical quantities that are fraction of whole numbers shall be rounded to the next lower whole number.

D. Zoning Map Boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:

1. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;

2. If a district boundary divides a parcel, and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by the scale on the zoning map; and

3. Where a public street or alley, railroad, or utility right-of-way is officially vacated or abandoned, the property that was formerly in the right-of-way will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned right-of-way or easement.

E. Allowable Uses of Land. If a proposed use of land is not specifically listed in Chapters 17.210 (Residential Zoning Districts), 17.220 (Commercial Zoning Districts), 17.230 (Industrial Zoning Districts), 17.240 (Planned Development Zoning Districts), 17.250

(Special Purpose Zoning Districts) and 17.260 (Overlay Zones), the use shall not be allowed, except as follows.

1. Similar uses allowed. The Director may determine that a proposed use not listed in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) is allowable if all of the following findings are made:

a. The proposed use will be consistent with the goals, objectives and policies of the General Plan and any applicable Specific Plan; and

b. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and are not more destructive, detrimental or intensive than the uses listed in the district; and

c. The proposed use will meet the purpose and intent of the zoning district that is applied to the site.

2. Applicable standards and permit requirements. When the Director determines that a proposed use not listed in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Title apply.

3. Board of Zoning Adjustment determination. The Director may forward questions about equivalent uses directly to the Board for a determination in compliance with § 3.03.235 (Board of Zoning Adjustment) of the CCMC.

F. Conflicting Requirements:

1. Municipal Code provisions. If conflicts occur between the requirements of this Title and other regulations of the City, then the most restrictive shall control.

2. Zoning Code provisions. If conflicts occur between the provisions within this Title, the most restrictive requirement shall control; except in the case of any conflict between the regulations in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) and Article 3 (Site Planning and General Development Standards), Article 3 shall control.

3. Development Agreements or Specific Plans. When conflicts occur between the requirements of this Title and standards adopted as part of any Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall control.

4. Private Agreements. This Title applies to all land uses and development, regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any covenant or agreement unless the City is a party to the covenant or agreement.

(Ord. No. 2005-007 § 1 (part))

§ 17.120.015 PROCEDURES FOR INTERPRETATIONS.

At the written request of any interested person, or at the Director's discretion, the Director may determine the meaning or applicability of any requirement of this Title, and may issue an official interpretation.

A. Request for Interpretation. A request shall be written that specifically states the provision(s) in question and provides any information to assist in the review.

B. Record of Interpretations. Official interpretations shall be:

1. In writing, and shall quote the provisions of this Title being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and

2. Distributed to the Council, Commission, City Attorney, City Clerk, and all pertinent staff.

Any provision of this Title determined by the Director to need refinement or revision should be corrected by amending this Title as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the Section being interpreted.

C. Appeals and Referral. Any interpretation of this Title by the Director may be appealed to the Board as provided by § 3.03.235 (Board of Zoning Adjustment) of the CCMC. The Director may also refer any interpretation to the Board for a determination.

(Ord. No. 2005-007 § 1 (part))