

ORDINANCE NO. 3669

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
BURBANK AMENDING VARIOUS PROVISIONS OF
CHAPTER 31 OF THE BURBANK MUNICIPAL CODE
RELATING TO DEVELOPMENT STANDARDS FOR R-1 AND
R-1-H ZONES.

City Attorney's Synopsis

This Ordinance amends Chapter 31 of the Burbank Municipal Code relating to development standards for R-1 and R-1-H single family residential zones. On September 14, 2004, the Council adopted an interim control ordinance (IDCO) that established interim height and floor area ratio (FAR) development standards for the R-1, R-1-E, and R-1-H single family residential zones. The IDCO will expire June 30, 2005. Many of the new residential standards are related to mansionization issues. Specifically, this Ordinance will 1) decrease the maximum allowable height of houses; 2) decrease the current 0.6 Floor Area Ratio (FAR) (the ratio of the area of the house to the area of the lot) to 0.4 FAR [This FAR though, can be increased to 0.45 FAR when certain approved standards are voluntarily incorporated into the design of the house] ; 3) decrease the maximum lot coverage from 60% to 50%; 4) increase the rear yard setback from 5ft. to 15ft, as well as other changes to parking and paved front yards. Additionally this Ordinance creates new discretionary permits, similar to the existing administrative use permit process, for: 1) accessory structures larger than 300 sq. ft.; 2) hillside development of 3000 sq. ft. or more; and 3) single family special development permit. The hillside and the accessory structure administrative permits replace the existing conditional use permit process. Additionally, this Ordinance eliminates the R-1-E zone. Pursuant to the California Environmental Quality Act, there is no substantial evidence that this project may have a significant effect on the environment, and a Negative Declaration has been adopted.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. On September 14, 2004, the Council adopted an interim development control ordinance (IDCO) that established interim height and floor area ratio (FAR) development standards for the R-1, R-1-E, and R-1-H single family zone. The IDCO was extended through June 30, 2005.

B. On April 25, 2005 and May 9, 2005, the Planning Board held a duly noticed public hearing on Project No. 2004-69, a zone text amendment, zone map amendment, and a negative declaration involving R-1 standards.

C. After considering the evidence presented, the Planning Board recommended that the Council approve the zone map amendment to eliminate the R-1-

E zone, to adopt the zone text amendment revising residential development standards, and adopt the negative declaration.

D. The Council held a duly noticed hearing on May 24, 2005.

E. This Ordinance was examined in a Negative Declaration dated April 20, 2005, which was prepared in accordance with the California Environmental Quality Act (CEQA Guidelines, Section 15070). The Negative Declaration states that the proposed amendments will not have the potential to cause significant adverse impacts

THE COUNCIL OF THE CITY OF BURBANK ORDAINS:

1. The following definitions set forth in Section 31-203 of the Burbank Municipal Code are hereby amended to read as follows:

Sec. 31-203. Definitions.

"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 from grade to the top plate.

"Grade" means: (a) in R-1 and R-1-H Zones—the average grade as defined in Section 31-603(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 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 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.

"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.

"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. For single family residential development, stories shall be determined as provided in Section 31-603(C). For multiple family residential development, if the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above natural grade for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above natural grade at any one point, such usable or unused under floor space shall be considered as a story.

The Lower floor level is classified
as the first story if the floor level above is:

More than six (6) feet above natural grade for more than fifty (50) percent of the total perimeter or more than twelve (12) feet above natural grade at any one point.

For Diagram, please
see City Clerk's Office

The Upper floor level will be classified as the first story if the floor level is:

Not more than six (6) feet above natural grade for at least (50) percent of the perimeter and does not exceed twelve (12) feet above natural grade at any point.

2. Section 31-301 is hereby amended to read as follows:

R-1-E Residential Estate Zone is hereby removed from the list of zoning classifications.

3. Section 31-405 is hereby amended to read as follows:

Sec. 31-405. 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.

4. Article 6, Division 1, Sections 31-601 through 31-607 are hereby amended in their entirety to read as follows:

Sec. 31-601. 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.

Sec. 31-602. 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 31-602 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 31-602, 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 31-503 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 31-602
Permitted Uses in the R-1 and R-1-H Zones**

<i>Symbol</i>	<i>Meaning</i>
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

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
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⁾	31-604
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
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	31-605
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	

<i>Land Use</i>	<i>R-1</i>	<i>R-1-H</i>	<i>Specific Use Standards</i>
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	
Equestrian and Special Uses			
Animal hospital; no boarding	---	CUP ⁽⁶⁾	
Blacksmith; horse shoeing only	---	CUP ⁽⁶⁾	
Petting zoo	---	CUP ⁽⁶⁾	
Plant nursery	---	CUP ⁽⁶⁾	
Stable, commercial; including housing facilities for caretaker on premises	---	CUP ⁽⁶⁾	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 only on properties with a land area of 12,000 square feet or greater that abut commercially zoned land.

Sec. 31-603. 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 31-603(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 31-603(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	5,750 square feet	

Development Standards	R-1 and R-1-H	Additional or Related Standards
CUP approval		
Minimum dwelling unit size	850 square feet	
Minimum dwelling unit width ⁽¹⁾	20 feet	
Maximum height ^{(H) (2)}		
To top plate	23 feet	31-603(C)
To top of roof and architectural features ⁽³⁾	30 feet	31-603(C)
To top plate for accessory structures ⁽⁴⁾	19 feet	31-603(C)
To top of roof and architectural features for accessory structures ⁽⁴⁾	26 feet	31-603(C)
Maximum number of stories for all structures ^(H)	2	31-603(C)
Maximum floor area ratio ^(H)	0.4 - 0.45 ⁽⁵⁾	31-603(D)
Maximum lot coverage	50% ⁽⁶⁾	31-603(E)
Minimum yard setbacks ^(H)		
Front	25 feet	31-603(F)
Rear	15 feet	31-603(F)
Interior side	10% of lot width but no less than 3 feet and no more than 10 feet ⁽⁷⁾	31-603(F)
Street-facing side	20% of lot width but no less than 6 feet and no more than 20 feet ⁽⁷⁾	31-603(F)
Maximum fence, wall, and hedge heights		
Within front yard or street-facing side yard set back area	3 feet	31-603(G)
Outside of front yard or street-facing side yard setback area	8 feet	31-603(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 ⁽⁸⁾	31-603(H)
When main dwelling has a gross floor area of more than 3,400 square feet	3 ⁽⁸⁾	31-603(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 31-606(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 31-607.
- (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 31-603(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 31-607 without complying with Section 31-603(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 31-607 without complying with Section 31-603(D)(6). (e) In the hillside area as defined in Section 31-606(A), the floor area ratio may be reduced through conditions placed upon a hillside development permit per Section 31-606(C).

- (6) The 50 percent maximum lot coverage may be exceeded with approval of a single family special development permit per Section 31-607 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) 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) 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 31-605.
2. All properties located within the hillside area as defined in Section 31-606(A) must further comply with the requirements set forth in Section 31-606.

C. Height.

1. Height is measured from the average grade. Average grade is determined separately for each individual structure on the lot, and is as follows:
 - a. Ground surface elevation points are established on the finished ground surface at the center of each exterior wall of the structure at a point five horizontal feet out from the exterior surface of the wall.
 - b. If an exterior wall is located less than five feet from a property line, the ground surface elevation point for that wall is the average elevation of the lowest and highest ground surface located between the exterior wall of the structure and the property line.
 - c. Where the lowest ground surface elevation point is not more than 10 vertical feet below the highest ground surface elevation point, the average grade is the average of the elevations of the lowest and highest points.
 - d. Where the lowest ground surface elevation point is more than ten vertical feet below the highest ground surface elevation point, the average grade is five vertical feet below the highest ground surface elevation point.
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 feet, eight inches above the deck surface, unless a deck covering or the top plate of an enclosed space on the same level exceeds that height.
6. No structure may be more than two stories in height, except in the hillside area as defined in Section 31-606(A). Basements and attics must be counted as stories if they are counted toward the floor area ratio as determined per Section 31-603(D).

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 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 sides from the ground or floor level to a height of six feet, eight 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 (as measured at a five-foot horizontal distance out from the exterior wall surface) for at least 50 percent of the perimeter of the structure; or

- b. Where the vertical distance between the lowest and highest ground surface elevation points determined by Section 31-603(C) is greater than 10 feet, the finished floor level of the first story is no more than six feet above the adjoining ground surface (as measured at a five-foot horizontal distance out from the exterior wall surface) for at least 50 percent of the perimeter of the structure; and
 - c. 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 five or more design features from the following list:
- a. The top plate height does not exceed 20 feet as measured per Section 31-603(C).
 - b. The roof pitch is equal to or greater than six 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 feet greater than the minimum required (seven feet for interior side, 12 feet for street-facing side).
 - 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 additional feet on at least one 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.
- 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 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 feet is not included in the calculation of lot coverage. If the cantilevered portion is greater than four 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 31-603(A).
2. Encroachments are permitted into the required setback areas by various structural components and objects to the maximum distance specified in Table 31-603(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 31-603(F)
Encroachments Into Yard Areas**

Structure/Object	Setback Type	Maximum Encroachment
Structural walls and posts supporting an overhead structure (except	Front	none permitted
	Rear	none permitted

Structure/Object	Setback Type	Maximum Encroachment
accessory structures) and any structural components or objects not specifically listed in this table	Interior Side Street-Facing Side	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, 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 Interior Side Street-Facing Side	4 feet 3 feet 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 but no higher than floor level of first story	Front Rear Interior Side Street-Facing Side	5 feet none permitted none permitted none permitted
Stairways, ramps, and landings above ground level but no higher than floor level of first story ⁽⁶⁾	Front Rear Interior Side Street-Facing Side	4 feet none permitted none permitted none permitted
Balconies, decks, and platforms above the floor level of the first story (whether freestanding or attached to main dwelling or accessory structure)	Front Rear Interior Side Street-Facing Side	4 feet 5 feet none permitted ⁽⁷⁾ up to within 10 feet of property line
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 up to within 5 feet of property line
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

Structure/Object	Setback Type	Maximum Encroachment
Portes-cochere	Front	none permitted
	Rear	none permitted
	Interior Side	up to property line ⁽⁹⁾
	Street-Facing Side	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-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 feet. See Subsection 4 for information about accessory structure setback planes.
- (3) The three-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-foot side and rear setbacks to a distance necessary to provide a garage or carport that meets the minimum size specified in Section 31-603(H).
- (5) Uncovered patios and porches in the front and street-facing side yards are subject to the hardscape limitations in Subsection 5.
- (6) Stairways, ramps, and landings attached to an accessory structure may encroach to the same minimum setbacks as the accessory structure itself.
- (7) Balconies, decks, and platforms located above the floor level of the first story must be set back a minimum of 10 feet from interior side property lines. This requirement applies whether the balcony, deck, or platform is freestanding, attached to the main dwelling structure, or attached to an accessory structure.
- (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.

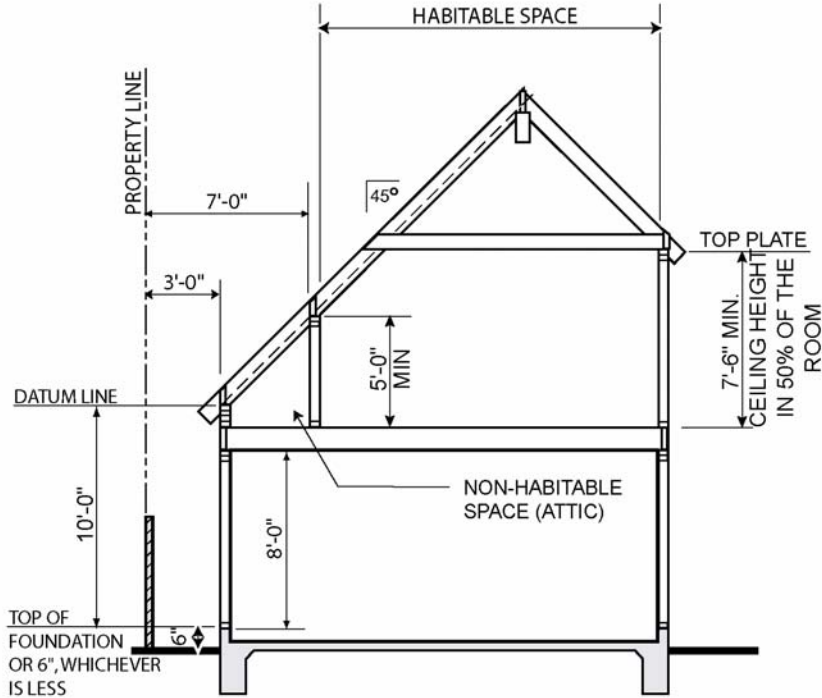
4. In addition to the minimum setbacks prescribed in Table 31-603(F), the top plate of the first or second story of an accessory structure may not extend above the prescribed setback planes. Only roof and related architectural features are permitted to extend above the setback planes. Setback planes are illustrated in Diagram 31-603(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 horizontal feet inward from the property line and 10 vertical feet above the top surface of

the six-inch foundation stem wall of the accessory structure, or an equivalent vertical distance if the stem wall is a height other than six inches. This applies whether the structure is built on slab or on a raised foundation.

Diagram 31-603(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 31-603(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 31-1405.
 - 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 31-1403.
 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 31-203, and subject to the limitations of Section 31-603(G).

G. Fences, walls, and hedges. The requirements of this Subsection apply to all fences, walls, and hedges. For the purposes of this Subsection, hedges are defined as vegetation that is grown or maintained so as to function similar to a fence or wall.

1. The maximum height of fences, walls, and hedges is as specified in Table 31-603(A).
2. The height of fences, hedges, and walls is measured from the nearest abutting ground surface of the lot on which the fence, hedge, or wall is located. If a fence or garden wall is located on top of a retaining wall, the height of the retaining wall is not counted toward the fence or wall height.

H. Parking and driveways.

1. All parking required by this Section must be provided in a carport as defined in Section 31-203 or in an enclosed garage. No more than one side of a garage may be used for a door to provide vehicle access to the garage.
2. A space no less than nine feet, six 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.

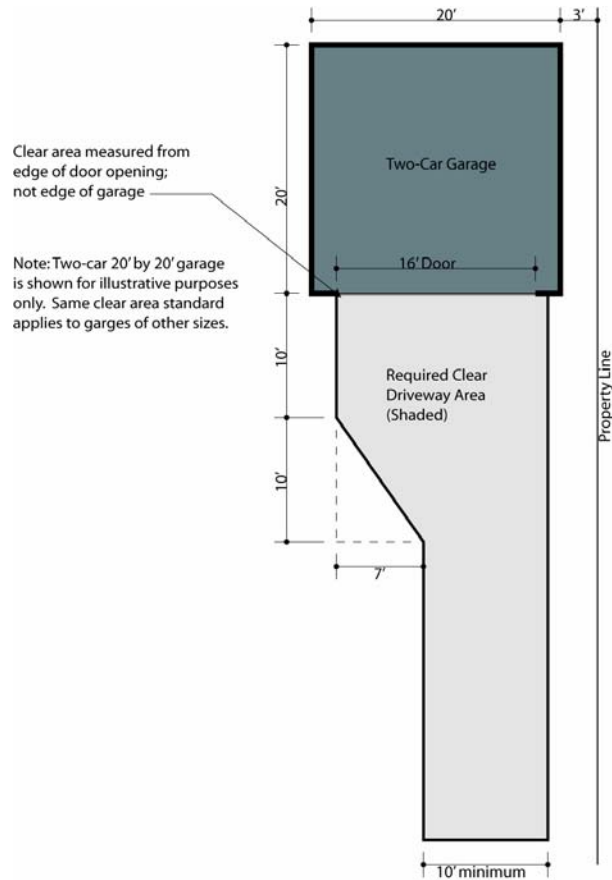
3. For existing dwellings where the parking area in a garage or carport does not meet the minimum requirements of this Section, the existing parking area may not be reduced or encroached upon, as determined by the dimensions of the physical space provided.
4. Existing off-street parking may be maintained 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 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 31-1403.
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 31-603(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.

Diagram 31-603(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. Mobilehomes and manufactured homes. In addition to the other standards of this Section, the following requirements apply to all mobilehomes 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 underfloor area. Such siding must extend to within six 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.

Sec. 31-604. 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 31-602, 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 31-602, 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 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 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 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 single-basin wet bar sink not exceeding one cubic foot in size; or
 - b. One laundry sink if located adjacent to a laundry appliance fixture.

E. Use. Except as specified in Section 31-1813 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.

Sec. 31-605. 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 20 feet away from any exterior wall, post, or enclosure of any stable or corral on the same lot and other lots.
 - b. 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. 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 10 feet from the rear and side property lines. If the property line abuts a street or alley, or if all of the following criteria are satisfied, the stable must comply with the accessory structure setback requirements for the side and/or rear property lines as provided in Section 31-603(F):
 - a. The stable is completely enclosed by walls and a roof.
 - b. The stable has no doors, windows, or other openings within 10 feet of the property line.
 - c. All walls located within 10 feet of the property line have a smooth, hard, non-absorbent interior finish and are constructed of 1) reinforced masonry at least eight inches thick, 2) reinforced concrete at least six inches thick, or 3) another material approved by the Building Official as being equally strong, durable, and resistant to sounds and odors arising from within the stable.

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 be enclosed by a fence or other enclosure.
3. Non-commercial corrals must comply with setback requirements for accessory structures.

E. Restrictions on keeping horses.

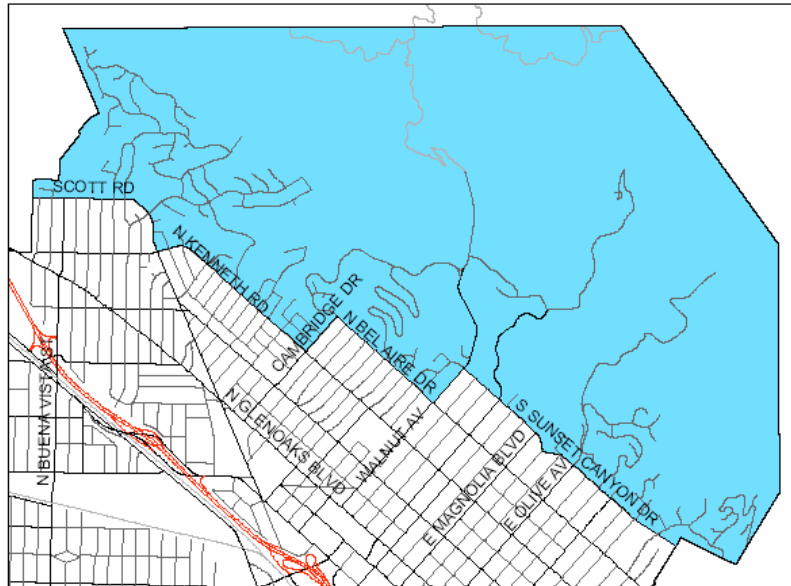
1. It is unlawful to keep a horse in an R-1-H zone without a permit issued by the Animal Shelter Superintendent. A permit may not be issued unless first approved by the Community Development Director upon a finding that the property is in conformance with the requirements of this Section. The Director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

Sec. 31-606. 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 31-606(A): City boundary, Sunset Canyon Drive, Walnut Avenue, Bel Aire Drive, Cambridge Drive, Kenneth Road, Scott Road, City boundary.

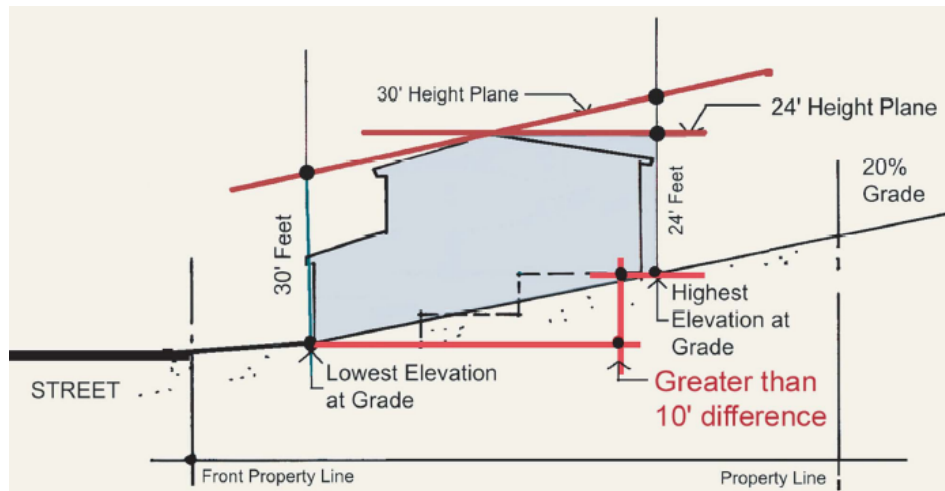
**Diagram No. 31-606(A)
Hillside Area (shaded)**

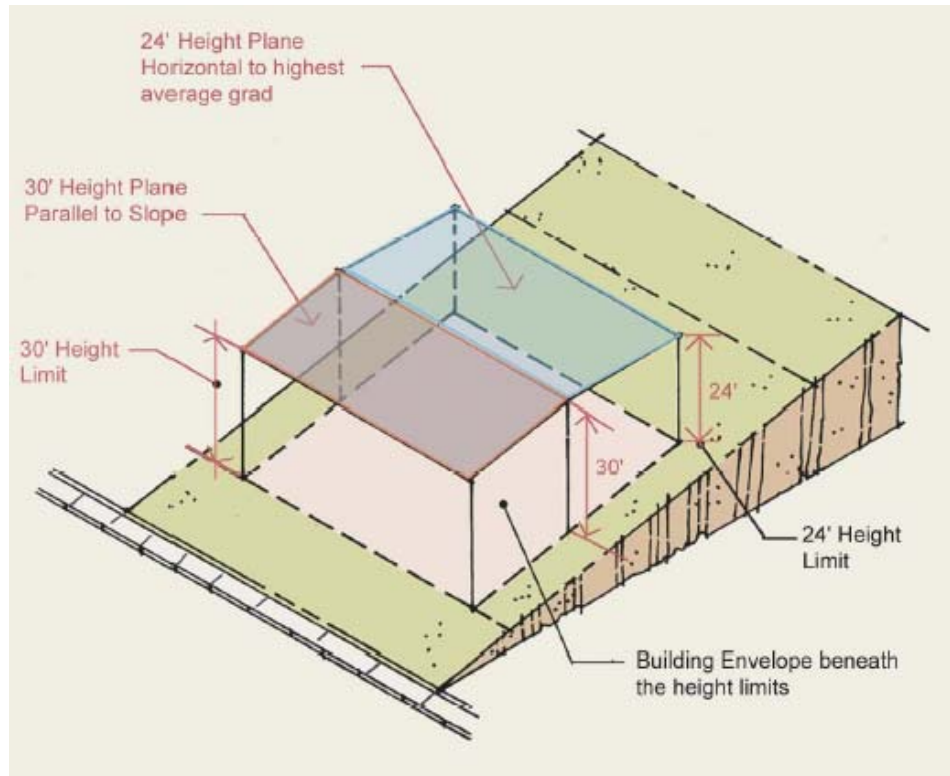


- B. Height.** Height is measured separately for each structure and is measured differently depending upon the grade difference on the lot. Ground surface elevation points are determined for each structure as required in Section 31-603(C) for the R-1 zone.
1. Where the lowest ground surface point is not more than 10 vertical feet below the highest ground surface point, the maximum height is determined as provided in Section 31-603 for the R-1 zone.
 2. Where the lowest ground surface point is more than 10 vertical feet below the highest ground surface point, a hillside development permit is required per Section 31-606(G) and the maximum height of the main dwelling structure is determined as follows:
 - a. Height measuring points are established at the midpoint of each side of the structure. The height measuring point is the average of the adjoining ground surface as measured at the corners of each side.
 - b. The maximum structure height is defined by a height plane established by two intersecting lines as follows and as illustrated in Diagram 31-606(B):
 - (1) The end of one line is 30 feet above the height measuring point along the side of the structure with the highest height measuring point; the other end of the line is 30 feet above the height measuring point at the opposite end of the structure.

- (2) The ends of the second line are 30 feet above the height measuring points on the other two sides of the structure.
- c. The maximum structure height is further defined by a horizontal height plane 24 feet above the highest height measuring point.
- d. Height is measured to the top of the roof and architectural features, not to the top plate.
- e. There is no limitation on the number of stories.

Diagram 31-606(B)
Maximum Height in the Hillside Area





3. Where the lowest ground surface point is more than 10 vertical feet below the highest ground surface point for an accessory structure, height is determined as provided in Subsection 2 above except that the lines defining the height plane are located 19 feet above the height measuring points and the horizontal height plane does not apply.

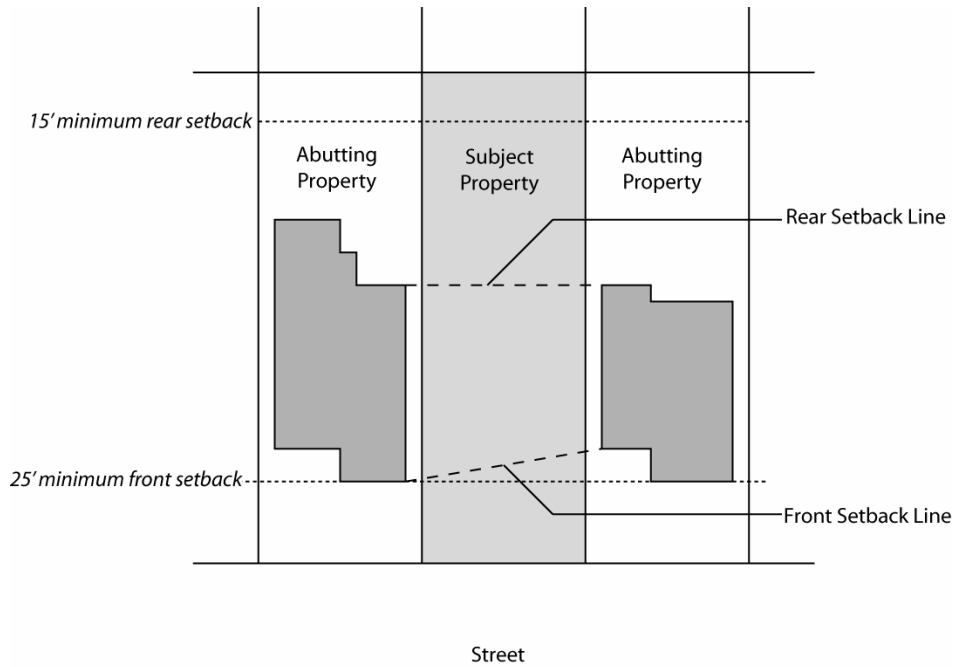
C. Floor area ratio. When a hillside development permit is required, the maximum floor area ratio and house size may be reduced through conditions placed upon the permit when deemed necessary to satisfy the required findings for granting the permit per Section 31-607(A)(2).

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 31-606(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 31-606(D)
Front and Rear Setbacks in the Hillside Area



This graphic assumes that both the front and rear yards are "primary view" areas for illustration purposes.

- 3. No portion of a structure may extend beyond the setback line unless a hillside development permit is approved per Section 31-606(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 31-603(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 31-606(G).

E. Walls and screening.

- 1. All retaining walls facing downslope areas must be screened with vegetation.
- 2. Conditions may be placed on a hillside development permit per Section 31-607 that require retaining walls to be shortened, broken into multiple shorter walls, stepped up or down a hillside, or otherwise modified.

3. All walls and fences must comply with the height limitations of the R-1 zone, but may be required to be shorter by conditions placed upon a hillside development permit.
4. 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 off-street parking spaces must be provided. For houses with a gross floor area of 3,400 square feet or less, at least two 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 31-607(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 lowest ground surface elevation point is more than ten feet below the highest ground surface elevation point per Subsection (B)(2). For the purposes of this Section, ground surface elevation points must also be established and evaluated separately for decks, platforms, and similar structures that extend over a downslope area as measured at the center of each side of the structure.
4. The height of the proposed structure to the top of the roof exceeds 24 feet when the lowest ground surface point is not more than feet below the highest ground surface point per Subsection (B)(2).

5. 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 31-603 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.

Sec. 31-607. 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 31-603.
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 31-1956, 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 31-1956, 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 31-1956, 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.

5. Article 6, Division 1, Section 31-608 and Article 6, Division 2, Sections 31-609 through 31-616 are hereby deleted in their entirety.

6. Article 11, Sections 31-1111 is hereby deleted.

7. Section 31-1202 is hereby amended to read as follows:

Sec. 31-1202. Front Yards Not to be Paved.

No front yard in a multifamily residential zone shall be paved, except for a permitted driveway. No front yard in a single family residential zone shall be paved except as permitted in Section 31-603(F).

8. Section 31-1204 is hereby amended to read as follows:

Sec. 31-1204. 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.

9. Section 31-1208 is hereby amended to read as follows:

Sec. 31-1208. Exceptions in Residential Zones.

Yard requirements for residential zones (set forth in Article 6 of this chapter) are subject to the following exceptions:

(a) FRONT YARDS:

- (1)Planned residential developments.

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.

(b) SIDE YARDS FOR SUBSTANDARD LOTS:

A lot substandard in width shall have a required interior side yard setback on each side of not less than 10 percent of the width of the lot, but in no case shall an interior side yard be less than three feet. A corner lot substandard in width shall have a side yard on the street side of not less than twenty (20) percent of the width of the lot.

10. Section 31-1209 is hereby amended to read as follows:

Sec. 31-1209. Reversed Corner Lots in Residential Zones.

Where a reversed corner lot abuts a key lot in a residential zone, the rear thirty (30) feet of the reversed corner lot shall remain open and unobstructed from the street for a distance equal to the required front yard of the key lot.

11. Section 31-1210 is hereby deleted in its entirety.

12. Section 31-1211 is hereby amended to read as follows:

Sec. 31-1211. Miscellaneous Encroachments.

(a) DEFINITION AND APPLICABILITY.

The requirements of this Section shall apply to all zones except R-1 and R-1-H. Encroachments for R-1 and R-1-H zones are provided in Section 31-603. For the purposes of this Section, "required yard" shall mean the minimum yard depth as specified in this Chapter for the zone in which the lot is located. The encroachments specified herein shall be 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 thirty (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 twenty (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 forty-two (42) inches in height may be installed or constructed on any such porch, patio, platform or landing place. None of the above are allowed in the required front, side or rear yards of any R-2, R-3, R-4 or R-5 multiple family zoned property that abut(s) property zoned R-1, R-1-E or R-1-H.

(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. None of the above are allowed in the required front, side or rear yards of any R-2, R-3, R-4 and R-5 multiple family zoned property which are abutting to property zoned R-1, R-1-E or R-1-H.

Balconies are permitted on elevations abutting or adjacent to R-1, R-1-H or R-1-E zoned properties subject to the following:

- A balcony must be surrounded by a minimum six-foot high permanent opaque wall, unless said adjacency occurs on a street-exposed elevation;
- A balcony must be open to the sky, unless said adjacency occurs on a street exposed elevation;
- A balcony may project a maximum of two (2) feet into the additional five (5) foot setback above the first-story required setback, of a required side or rear yard abutting or adjacent to an R-1, R-1-H or R-1-E zoned property.

(f) PORTE-COCHERE.

Porte-cocheres may extend into a side yard but are limited to twenty-five (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 thirty-six (36) 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.

(k) SEMI-SUBTERRANEAN STRUCTURES.

(1) In all multiple family zones, a semi-subterranean structure may not project into a required front, side or rear yard. Exceptions:

A. Any single multi-family zoned interior or corner lot, which is not adjacent to or abutting R-1, R-1-E, or R-1-H property, and which does not exceed ten thousand (10,000) square feet, and which is surrounded on both sides (not front or rear) or, in the case of corner lots, on one side, by multi-family structures twenty (20) years of age or less, shall be allowed to extend a semi-subterranean garage structure into one (1) interior side yard, so long as the property abutting that abutting side yard also has a semi-subterranean garage structure extending into the abutting side yard.

B. Uncovered parking aisles within semi-subterranean structures in the rear fifty (50) percent of the property may encroach into the interior side and rear setbacks if enclosed by a 6-foot high masonry wall on the encroaching side (height measured at the highest grade side), and effectively screened from street view.

C. Downtown and Lake Street Special Areas [as defined in Section 31-1113(p).]

(2) For purposes of this Code, a semi-subterranean structure is one which extends no higher than five (5) feet above the average elevation of the property as defined in Chapter 31. In no case may a garage that is allowed by Section 31-1113(j) to encroach into the otherwise required yard areas, exceed eight (8) feet above the abutting natural grade.

(3) A fully subterranean garage structure will be allowed to encroach into required side and rear yards so long as the deck is a minimum of three (3) feet below natural grade.

If a garage structure exceeds five (5) feet above the average elevation surrounding the property, it must be located a minimum of fifteen (15) feet behind the front set back.

(4) Garage openings including ventilation grates, shall not be allowed within twenty (20) feet of the lot line of property zoned R-1, R-1-E, or R-1-H.

13. Section 31-1301 is hereby amended as follows:

Sec. 31-1301. 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 31-603. 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 fifteen (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 fifteen (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 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 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.

14. Section 31-1302 is hereby amended to read as follows:

Sec. 31-1302. Heights for Walls, Fences, and Hedges Generally; Exception.

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 31-603. Except as otherwise provided for property located at an intersection, the height of walls, fences and hedges shall not exceed:

(1) 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.

(2) 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.

15. Section 31-1401 is hereby amended to read as follows:

Sec. 31-1401. 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.

For industrial and office uses (but not including medical offices, banks and savings and loan institutions, and commercial retail uses) forty-five (45) percent of all parking spaces provided may be small car spaces if the spaces are clearly marked for small cars and the plan is approved by the Public Works Director. Parking spaces for small cars shall be at least seven and one-half (7-1/2) feet in width. The Drachman Parking System, whereby parking layout design discourages the use of small car spaces by large vehicles, shall be used where possible.

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

Parking Angle	Minimum Stall Length = 18'0"					
	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**

Parking Angle	Minimum Stall Length = 18'0"					
	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"

Table No. 5

SMALL CARS

Minimum Stall Width = 7'6"
Minimum Stall Length = 15'0"

Angle	One-Way Traffic		Angle	Two-Way Traffic	
	Bay Width (Double loaded)	Bay Width (Single loaded)		Bay Width (Double loaded)	Bay Width (Single loaded)
30	40' - 0"	26' - 0"	30	48' - 2"	34' - 0"
32.5	40' - 11"	26' - 5"	32.5	49' - 1"	34' - 5"
35	41' - 10"	26' - 10"	35	49' - 10"	34' - 9"
37.5	42' - 7"	27' - 3"	37.5	50' - 6"	35' - 2"
40	43' - 2"	27' - 7"	40	50' - 11"	35' - 6"
42.5	43' - 7"	27' - 10"	42.5	51' - 6"	35' - 10"
45	44' - 4"	28' - 2"	45	52' - 11"	36' - 3"
47.5	45' - 5"	29' - 0"	47.5	52' - 7"	36' - 6"
50	46' - 5"	29' - 10"	50	52' - 11"	36' - 10"
52.5	47' - 3"	30' - 6"	52.5	53' - 4"	37' - 2"
55	48' - 0"	31' - 3"	55	53' - 7"	37' - 4"
57.5	48' - 7"	31' - 11"	57.5	53' - 10"	37' - 8"
60	49' - 4"	32' - 8"	60	54' - 1"	37' - 11"
62.5	50' - 0"	33' - 4"	62.5	54' - 3"	38' - 2"
65	50' - 9"	33' - 11"	65	54' - 6"	38' - 5"
67.5	51' - 3"	34' - 7"	67.5	54' - 8"	38' - 9"

70	51' - 10"	35' - 3"	70	54' - 9"	38' - 11"
72.5	52' - 4"	35' - 10"	72.5	54' - 10"	39' - 2"
75	52' - 10"	36' - 6"	75	54' - 11"	39' - 4"
80	53' - 11"	37' - 10"	80	55' - 2"	39' - 10"
82.5	54' - 4"	38' - 4"	82.5	55' - 3"	39' - 11"
85	54' - 8"	39' - 0"	85	55' - 3"	40' - 1"
87.5	55' - 0"	39' - 8"	87.5	55' - 3"	40' - 2"
90	55' - 4"	40' - 4"	90	55' - 4"	40' - 4"

16. Section 31-1402.5 is hereby amended to read as follows:

Sec. 31-1402.5 Dimensions of Garages and Carports in R-2 Zone.

(a) NEW CONSTRUCTION

All newly constructed garages and carports in the two-family (R-2) zone (constructed after the effective date of Ordinance No. 3640), shall have minimum interior dimensions sufficient to provide a minimum of six (6) inches of clearance on all sides of each parking stall for which the garage or carport is designed. All required parking stalls in the R-2 zone must be standard (full size) stalls as defined in this Section.

(b) EXISTING DWELLINGS

For existing dwellings, as of the effective date of Ordinance No. 3640, the parking area provided at the time of construction shall be maintained and shall not be reduced or encroached upon, even if such parking area is substandard under the current requirements of this Chapter.

17. Section 31-1810.5 is hereby amended to read as follows:

Sec. 31-1810.5 Minor Exceptions for Side Yard Setbacks of Single Family Dwellings.

(a) An applicant may request a minor exception to the standards of Section 31-1810 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 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. 31-1810 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 feet, regardless of the existing setback. The minor exception process discussed in this section shall not allow for setbacks of less than three 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.

(f) 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. 31-1910 and Sec. 31-1911 of this Chapter.

18. Section 31-1813 is hereby amended to read as follows:

Sec. 31-1813. 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.

19. Section 31-1914 is hereby amended to read as follows:

Sec. 31-1914. 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 an R-1 or R-1-H 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; or

(4) Additions to or detached accessory structures to any existing multi-family commercial or industrial structure which do not exceed three hundred (300) square feet; or

(5) Minor revisions to a project as determined by the Director which previously received Development Review Approval and where such approval has not expired;

(6) 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.

(7) Minor projects which the Director determines to be highly consistent with adopted plans of the City and in compliance with the Code.

20. Section 31-1995 is hereby amended to read as follows:

Sec. 31-1995. Interim Zoning.

All territory which is annexed to the City or which is unzoned or becomes unzoned shall be classified as R-1. Within forty-five (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.

21. Section 31-2402 is hereby amended to read as follows:

Sec. 31-2402. 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 fifteen (15) feet to the ceiling measured from the grade except in the R-1-H zone.

"Second Story" means twenty-five (25) feet to the ceiling measured from the grade except in the R-1-H zone.

"Third Story" means thirty-five (35) feet to the ceiling measured from the grade except in the R-1-H zone.

22. Division 2 of Article 24, Sections 31-2403 through 31-2411 are hereby deleted in their entirety.

23. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof has been deleted.

24. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation, published and circulated in the City of Burbank, California.

25. This Ordinance shall become effective at 12:01 a.m. of the thirty-first day after publication. Notwithstanding the foregoing, this Ordinance shall not apply to the following:

1. any structure which has a valid vested right to construct prior to the Effective Date of this ordinance;
2. any structure for which a building permit has been issued prior to the Effective Date of this ordinance, as long as that permit does not expire;
3. any structure for which a complete set of construction drawings has been submitted to the Building Division for plan check on or prior to June 30, 2005, as long as those projects comply with the standards set forth in the IDCO;

4. any structure for which a conditional use permit or variance has received final approval on or prior to June 30, 2005, including where the conditional use permit or variance is required for grading activity necessary to build the structure.

26. Existing Conditional Use Permits. As to any use which has an existing CUP for an accessory structures, those uses remain permitted as long as the existing CUP is valid. Any existing use permitted as a conditional use for hillside development shall remain permitted as long as the existing CUP is valid.

PASSED AND ADOPTED this 31st day of May, 2005.

s/Jef Vander Borght
Jef Vander Borght
Mayor of the City of Burbank

Attest:

s/Margarita Campos
Margarita Campos, City Clerk

Approved as to Form and Legal Content
Dennis A Barlow, City Attorney

By: s/Mary F. Riley
Mary F. Riley
Senior Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Margarita Campos, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3668 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 31st day of May, 2005, by the following vote:

AYES: Council Members Campbell, Golonski, Murphy and Vander Borght.

NOES: Council Members None.

ABSENT: Council Member Ramos.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 4th day of June, 2005.

s/Margarita Campos
Margarita Campos, City Clerk