COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF VERNON 2016

Comprehensively Updated January 2008
Amended March 2013
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COMPREHENSIVE ZONING ORDINANCE

OF THE

CITY OF VERNON

Chapter 26 of

The Code of the City of Vernon

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COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF VERNON

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Comprehensive Zoning Map of the City of Vernon

Chapter 26. Comprehensive Zoning Ordinance

Article I. Introduction.

Sec. 26.1.1. Title.

This Chapter and the accompanying Zoning Map shall be known as the **"Comprehensive Zoning Ordinance of the City of Vernon"** (hereinafter this "Chapter"), which for convenience may be referred to as the "Zoning Ordinance" or "this Ordinance".

Sec. 26.1.2. Purpose and Intent.

The purpose of this Chapter is to consolidate and coordinate all existing zoning regulations and provisions into one comprehensive zoning plan that designates, regulates, and restricts the use, location, and size of Buildings, Ancillary Structures, and land for industrial uses and other permitted purposes and that establishes performance and development standards in order to protect the public health, safety, and welfare. To achieve these purposes, this Chapter establishes one Zone within the City (Industrial) and various Overlay Zones of such number, shape, and area as have been deemed best suited to carry out these regulations and provide for the administration and enforcement of said regulations. It is declared that in the enactment of this Chapter, the City Council has given due and special consideration to the industrial nature of the City, and to the City's continuing focus on providing a suitable location for industry and the infrastructure and services required to serve industrial activities. The City's intent is to continue to support the ongoing industrial character of the City, while recognizing the changing industrial environment throughout the United States and globally, and to respond appropriately. The City Council has further seriously considered the impact of the City's pervasive industrial environment and resulting land use incompatibilities with certain other uses as a result of, among other issues, the storage, use, transportation, and processing of hazardous materials; background contamination; noxious odors; noise pollution; and truck and railroad traffic throughout the City.

Sec. 26.1.3. Interpretation and Conflicts.

This Chapter supersedes and replaces all prior zoning codes or ordinances and amendments thereto, and represents the entire and complete zoning ordinance for the City as of the date of its effective date. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rule, regulation, or ordinance, the most restrictive or that imposing the higher standards shall govern.

Sec. 26.1.4. Applicability.

This Chapter shall apply as follows:

Sec. 26.1.4-1. Buildings, Ancillary Structures, and Lots. Except as provided by this Chapter, no Building, Ancillary Structure, or Lot shall hereafter be used or occupied and no Building or Ancillary Structure or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the Zone or Overlay Zone in which it is located, and then only after securing all permits and licenses required by any law or ordinance.

Sec. 26.1.4-2. Licenses and Permits. No City official, officer, or employee or anyone acting on behalf of such person shall issue any license or permit for uses, Buildings, or purposes contrary to, or in violation of, the provisions of this Chapter.

Sec. 26.1.4-3. Authority. Whenever a power is granted to or a duty imposed upon a public officer by this Chapter, the power may be exercised or the duty may be performed by the City Council, that officer or a duly authorized representative of that officer, or a person authorized pursuant to law or ordinance, unless this Chapter expressly provides otherwise.

Sec. 26.1.5. Vested Right.

Nothing in this Chapter shall create or be construed to create any vested right in any Person.

Sec. 26.1.6. Severability.

If any provision or clause of this Chapter or the application thereof to any Person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be carried out without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

Sec. 26.1.7. Statute of Limitations for Actions Attacking General Plan, Zoning Ordinance, or Zoning Decisions.

Except as otherwise provided in the California Government Code Section 65009, no action or proceeding to attack, review, set aside, void, or annul the City Council's decision to adopt or amend its general plan or this Code, or any decision on the granting or denial of a Conditional Use Permit, Minor Conditional Use Permit, Temporary Use Permit, Variance, or Development Agreement, or to determine the reasonableness, legality, or validity of any condition attached to a Conditional Use Permit, Minor Conditional Use Permit, Temporary Use Permit, Variance, or Development Agreement or any other permit, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to any decision in connection with any of the above, shall be maintained by any Person unless such action or proceeding is commenced and service is made on the City Council within ninety (90) days after the date of the City Council's decision. Thereafter all Persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts, or determinations.

Article II. Definitions.

26.2. Purpose of Definitions; Words Defined.

For the purpose of this Chapter, certain words and terms are defined and shall be construed as herein set forth unless otherwise expressly stated, or unless the context clearly indicates a different intention. Words defined herein may have different definitions in different Chapters of this Code.

Sec. 26.2.1. Definitions (A).

Adult or Sexually Oriented Businesses shall have the same meaning as defined in Chapter 5, "Business License Taxes and Other City Taxes," Article VI, "Business Permit Regulations for Adult or Sexually Oriented Businesses or Similar Businesses" (See Code Section 5.81.2, "Definitions A-B"), and shall be deemed to be a First Amendment Protected Use.

Amendment shall mean a change in the wording, context, or substance of this Chapter or a change in the Zone or Overlay Zone boundaries or Zone or Overlay Zone classifications upon the Zoning Map.

Ancillary Structure shall mean any structure that is built or constructed to be used in connection with the use of the Property on which it is located, including items such as a fence, wall, steps, sign, or other structure built or composed of parts joined together in some definite manner, excluding a Building, and shall also include any equipment anchored to the ground.

Ancillary Use shall mean a use customarily incidental or subordinate to a Person's Permitted Use, as further described in Section 26.4.1-2(h), "Ancillary Use," such as office space or showroom space that does not occupy more than twenty percent (20%) of the gross Floor Area occupied by the Person's Permitted Use. Ancillary Use shall include mail-order or internet sales in connection with a Permitted Use.

Ancillary Retail Use shall mean a Retail Use customarily incidental or subordinate to a Person's Permitted Use, as further described in Section 26.4.1-4(b) that does not occupy more than ten percent (10%) of the gross Floor Area occupied by the Person's Permitted Use. Any retail activity exceeding this limit shall be considered a primary use of property and subject to the land use regulations applicable to such use. Ancillary Retail Use shall not include mail-order or internet sales in connection with a Permitted Use.

Auto Wrecker - see **Junk or Salvage Business.**

Awning shall mean an architectural projection that provides weather protection, identity, or decoration, and which projects from and is wholly supported by the exterior wall of a building to which it is attached, requiring no additional structure(s) for support. An awning is typically composed of canvas or other similar material,

Sec. 26.2.2. Definitions (B).

Bars shall mean establishments that primarily serve alcoholic beverages (not including restaurants that primarily serve food, and that also serve alcoholic beverages), including, without limitation, taverns and nightclubs. Bar shall not include an Adult or Sexually Oriented Business, even if it serves alcoholic beverages.

Billboard - See **Outdoor Advertising Structure.**

Building shall mean any structure having a permanent roof supported by columns or walls and attached to the ground.

Sec. 26.2.3. Definitions (C).

Canopy shall mean any fixed roof-like structure or architectural projection of rigid construction that is structurally independent or supported by attachment to a Building on one end and by not less than one stanchion on the outer end.

Cell Tower shall mean a structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, guyed, and lattice construction steel structures.

CEQA shall mean the California Environmental Quality Act, California Public Resources Code Sections 21000-21177.

Change of Use shall mean any new use or change of activity, including any commencement of a new business activity, purpose, or use that requires a permit from the Department of Public Works, Water and Development Services pursuant to this Chapter, except that a use permitted by a Temporary Use Permit or a Special Events Permit shall not be considered a Change of Use.

Chapter shall mean this Chapter 26; Comprehensive Zoning Ordinance of the City of Vernon.

City shall mean the City of Vernon.

City Council shall mean the City Council of the City of Vernon.

Code shall mean the Municipal Code of the City of Vernon.

Cold Storage Warehouse shall mean a Building or part of a Building used primarily to store non-durable, perishable goods under refrigeration at temperatures of thirty-five degrees Fahrenheit (35º) or lower, excluding areas used for the processing, preparing, or packaging of such goods for storage.

Commercial Use shall mean businesses that provide goods or services, including but not limited to banks, publishing and printing shops, equipment rental and leasing, Offices, automotive repair, and Urgent Care Facilities.

Community Facilities shall mean Buildings and facilities intended to be used by the general public (or segments of the general public), including, without limitation, private schools (including special purpose schools, such as nursery schools or special interest schools, but not including trade schools),

libraries, museums, senior citizen centers, day care centers, hospitals and emergency rooms, multi-use facilities, such as YMCAs and community centers, cemeteries, and other similar facilities, but not including a Religious Use or a Convention and Entertainment Venue, as defined below.

Conditional Use Permit shall mean a discretionary permit granted by the City Council for certain uses of Property not permitted of right because such uses require special review and may be subject to special conditions. The requirements for a Conditional Use Permit are set forth in Section 26.6.3.

Contractor's Yard shall mean a permanent site that houses a contractor's equipment or materials which are stored outdoors.

Convention and Entertainment Venues shall mean establishments providing space for public or private gatherings and meetings, including but not limited to banquet rooms, auditoriums, conference/convention facilities, and facilities for participant or spectator recreation or entertainment. This definition does not include Adult or Sexually Oriented Businesses, Religious Uses, or Bars.

Sec. 26.2.4. Definitions (D-E).

Data Center shall mean a Building with a controlled environment used for housing a large amount of electronic equipment, typically computers and communications equipment, for the purpose of creating a hosted computer environment.

Density shall mean the total number of permanent residential dwelling units per acre of land, exclusive of all existing public Right-of-way surfaces or similar property.

Development Agreement shall mean a contract duly executed and legally binding between the City of Vernon and a developer(s) pursuant to Government Code Section 65864 *et seq*.

Development Standards shall mean the development and performance standards described in Section 26.4.1-7, "Development and Performance Standards," and/or development and performance standards identified for individual Overlay Zones in this Chapter.

Digital Display shall mean the face of a sign or Outdoor Advertising Structure that is comprised of a digital or electronic face with intermittent changeable messages.

Director shall mean the City of Vernon Director of Public Works, Water, and Development Services.

Distributed Generation shall mean decentralized power generating facilities interconnected to the City's distribution system and used exclusively to meet the customer's load requirements at the site to offset power consumption normally provided by the City and may include, but not be limited to solar photovoltaic (PV) facilities, diesel and natural gas fueled facilities, wind generators, biomass-fueled facilities, fuel cells, water-powered energy systems, combined heat and power facilities, energy storage devices, micro-turbines and waste burning power facilities.

Drive-Through or Drive-Up Facilities An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services examples include fast food restaurants, banks, and pharmacies.

Dwelling Unit - see ***Residence.***

Emergency Shelter, pursuant to California Health and Safety Code Section 50801(e), shall mean a facility that provides immediate and short-term housing to homeless persons or families on a first-come, first-serve basis where the individual(s) must vacate the facility each morning and have no guaranteed bed for the next night. No individual or household may be denied emergency shelter because of inability to pay.

Sec. 26.2.5. Definitions (F-G).

First Amendment Protected Uses shall mean those uses with legal precedent to be protected by the First Amendment to the United States Constitution, specifically those uses constitutionally protected due to "freedom of association" in the form of intimate association ("intimate human relations") or expressive association ("engaging in those activities protected by the First Amendment – speech, assembly, petition for the redress of grievances, and the exercise of religion"). First Amendment Protected Uses shall include but not be limited to Adult or Sexually Oriented Businesses and Tattoo Parlors.

Floor Area shall mean the total horizontal area of all floors contained within the exterior walls of all Buildings, measured by the exterior dimensions of the Building, on a Lot. It shall include elevated storage areas and platforms, walkways, and similar interior structures or facilities used to provide access to such storage areas, but not where the same are used to provide access solely to machinery or equipment and are not normally occupied, except to maintain the equipment. Outdoor dining areas and balconies shall be considered floor area for determining the required parking and loading requirements. It shall not include Awnings, or Garages that are required parking for a Permitted Residential Use.

Floor Area Ratio shall mean the ratio of the Floor Area of all Buildings on a Lot to the buildable area of that Lot.

Force Majeure shall mean an event that is not within the control of the owner of the Property, including, without limitation, earthquake, flood, fire, and acts of war or terrorism.

Freight Terminal shall mean any Lot, Building, or portion thereof where goods or freight, excluding perishable goods, are transferred or redistributed from one vehicle to another; provided, however, that such use in connection with the operation of a Warehouse Use or Cold Storage Warehouse shall not be deemed to be a Freight Terminal. A Freight Terminal shall not include any use involved in the storage of products for more than 72 hours. (For products stored longer than 72 hours, see "Warehouse Use").

Fueling Station shall mean any establishments engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories, that may include accessory minor maintenance and repair of automobiles and light trucks, vans, or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds). Minor repair does include body and fender work.

Garage shall mean a structure or portion of a structure completely enclosed by walls or doors on all sides that is designed or used to shelter one (1) or more Parking Spaces.

Sec. 26.2.6. Definitions (H-I).

Hazardous Waste Facility shall mean any facility or location which has a primary function to store or process, treat, transfer, dispose of, or recycle all substances defined as hazardous waste, acutely hazardous waste, extremely hazardous waste, or biohazardous waste as defined by the State of California in Health and Safety Code Sections 25110.02, 25115, 25117, and 117635 or in any amendments to or recodifications of such statutes. The definition shall not include the storage, use, generation, recycling, or disposal of hazardous materials as a secondary effect, product, or input of a Permitted Use on the same Lot as the Permitted Use.

Hotel shall mean any building containing two (2) or more individual rooms or suites of rooms intended or designed to be used, or which are used, rented, or hired out to be occupied for sleeping or housing purposes by guests. Hotels include motels, boarding houses, rest homes, sanitariums, dormitories, and any other structure or Building other than a Residence or Emergency Shelter used for the housing or sleeping of humans.

Incidental Use shall mean a use that is in connection with a Person's Permitted Use, as further described in Section 26.4.1-4(a), "Incidental Use," such as office space, design area or showroom space, that occupies more than twenty percent (20%) but less than fifty percent (50%) of the gross Floor Area occupied by the Person's Permitted Use. Incidental Use shall not include a Retail Use, but may include mail-order or internet sales in connection with a Permitted Use.

Industrial Gas Manufacturing shall mean the separation of the constituents of air into liquid or gaseous form for storage, transport, or cylinder filling, and the distribution and sale of those products, as well as other related welding gases.

Industry or Industrial Use shall mean the manufacture or production of any saleable article, substance, or commodity, so long as the process adds substantial value to the article, substance, or commodity, and shall not include tasks primarily consisting of collecting, sorting, shipping, distributing, or inspecting goods from or in a warehouse or terminal. Industrial Use includes uses ancillary to the manufacturing or production process, such as storage, use, generation, and disposal of hazardous materials (as defined in federal and state laws and regulations) incidental to a manufacturing or production process; recycling incidental to a manufacturing or production process; and use of space for Ancillary Use.

Sec. 26.2.7. Definitions (J-K).

Junk or Salvage Business shall mean an auto wrecker or any business dealing in, selling, distributing, or buying for resale scrap materials (that is, used or waste materials) that require processing or recycling to be useful, including, without limitation, metal, cloth, paper, glass, wood, cardboard, plastics, or comparable matter, including used consumer products, but shall not include a yard ancillary to an Industrial Use. Junk or Salvage Business shall not include a business that processes or recycles the scrap materials on-site as a Recycling Facility.

Sec. 26.2.8. Definitions (L).

Landscaping shall mean an area devoted to the growing of plants, including trees, shrubs, grasses, or groundcovers for the visual or aesthetic enjoyment of people. Landscaping may include synthetic turf, fountains or sculpture in a minor portion of the area.

Legal Nonconforming Building or Standards shall mean a Building or Ancillary Structure or portion thereof which was lawfully erected or altered and maintained but which, because of the application of this Chapter, no longer conforms to the regulations set forth in this Code applicable to the Zone or Overlay Zone in which such Building or Ancillary Structure is located, including failure to comply with the Development Standards or Site Planning Standards applicable to such Zone or Overlay Zone.

Legal Nonconforming Use shall mean a use which was lawfully established and maintained but which, because of the application of this Chapter, no longer conforms to the regulations set forth in this Chapter applicable to the Zone or Overlay Zone in which such use is located.

Loading Space shall mean an off-street space that is maintained for the parking of a vehicle while loading or unloading merchandise or materials from the vehicle into a Building located on the same Lot as the space.

Lot shall mean a quantity or parcel of land in the possession of, or owned by, or recorded as the property of the same claimant or Person, and that is:

(a) A parcel of real property when shown as a delineated parcel of land with a number or other designation on a tract or plat map recorded in the office of the County Recorder;

(b) A parcel of land, the dimensions and boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State in the office of the County Recorder; or

(c) A legal lot or parcel as defined in the California Subdivision Map Act.

(d) Where parcels of land in the same ownership are separately legally described and are developed as permitted by this Code, such individual parcels shall be considered as separate Lots, but if a covenant that ties two or more Lots has been recorded, all of the tied Lots shall be treated as one Lot.

Sec. 26.2.9. Definitions (M-O).

Major Alteration or Repair shall mean a renovation, alteration, or repair for which the hard costs charged, incurred, or paid for such renovation, alteration, or repair, over a three year period, commencing when the permit, if required, is issued, or if no permit is required, when the physical portion of the renovation, alteration, or repair is commenced, equals or exceeds fifty percent (50%) of the current fair market value of all of the Buildings located on the same Lot. For purposes of this Chapter, the cost of the renovation, alteration, or repair shall exclude any costs incurred for environmental investigation, testing, and remediation. For purposes of this Chapter, current fair market value shall be determined based only on the value of the Building, and shall not include the

value of the unimproved land, any personal property or equipment, or any parking lot or landscaping. Fair market value shall not include the cost or value of the contemplated renovation, alteration, or repair, and shall be determined without reference to damage caused by an event of Force Majeure, if any. If the owner and the City do not agree on the current fair market value, the parties shall rely on a current appraisal by an independent third party MAI appraiser having at least five (5) years' commercial real estate appraisal experience in the Los Angeles, California metropolitan area, obtained by the owner, at the owner's expense.

Manure Fertilizer Business shall mean a business dealing in, buying, selling, handling, processing, or storing of manure; provided, however, that ***Manure Fertilizer Business*** shall not mean or include: (a) the storage and drying, grinding, and grading of manure upon the Property where the same is produced as a result of or in connection with the operation of any business permitted in the S Overlay Zone; (b) manufacture of chemical fertilizers; or (c) fertilizer generated from sludge.

Marijuana Dispensary, Store, Co-op, or Cultivation Operation shall mean and include any location, structure, facility, residence, or similar to the same used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, placed, planted, cultivated, or processed, including any of the foregoing if used in connection with the delivery of marijuana.

Master Plan of Streets shall mean the Master Plan of Streets of the City of Vernon.

Minor Alteration or Repair shall mean a renovation, alteration, or repair for which the hard costs charged, incurred, or paid for such renovation, alteration, or repair, over a three year period, commencing when the permit, if required, is issued, or if no permit is required, when the physical portion of the renovation, alteration, or repair is commenced, does not equal or exceed fifty percent (50%) of the current fair market value of all of the Buildings located on the same Lot. For purposes of this Chapter, the cost of the renovation, alteration, or repair shall exclude any costs incurred for environmental investigation, testing, and remediation. For purposes of this Chapter, current fair market value shall be determined based only on the value of the Building, and shall not include the value of the unimproved land, any personal property or equipment, or any parking lot or landscaping. Fair market value shall not include the cost or value of the contemplated renovation, alteration, or repair, and shall be determined without reference to damage caused by an event of Force Majeure, if any. If the owner and the City do not agree on the current fair market value, the parties shall rely on a current appraisal by an independent third party MAI appraiser having at least five (5) years' commercial real estate appraisal experience in the Los Angeles, California metropolitan area, obtained by the owner, at the owner's expense.

Minor Conditional Use Permit shall mean a discretionary permit granted by the Director for certain uses of Property not permitted of right because such uses require special review and may be subject to special conditions.

New Construction shall mean the construction of a new Building that is not attached to an existing Building.

Occupancy shall mean the purpose for which a Building, or part thereof, is used or intended to be used.

Offices shall mean uses where professional , administrative, or common business services are provided and which are not Ancillary Uses or Incidental Uses as defined by this Ordinance,, such as but not limited to real estate firms, medical and professional offices, stock brokerages, and bond and insurance firms.

Outdoor Advertising Structure shall mean any sign, logo, picture, transparency, mechanical device, billboard, or other representation (whether or not it includes words or logos) that is located off-site from the Property where the product or service is offered and is intended to attract attention to any commodity, good, product, or service for any business or non-profit purpose or entity. An Outdoor Advertising Structure shall not include any such sign or other structure that directs attention to the activity conducted, sold, or offered upon the Property where the sign or other structure is located.

Outdoor Storage and Activities shall mean any use of Property for purposes of temporary or permanent storage of raw materials, storage or display of finished products or other materials, and including installation or storage of equipment (whether operational in the business or not operational) that is located outside of a Building, except for parking of cars and trucks.

Sec. 26.2.10. Definitions (P-Q).

Parking Space shall mean a readily accessible space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one (1) motor vehicle.

Permitted Use shall mean a use that is permitted on a Lot, either by right as set forth in this Ordinance or by means of a Conditional Use Permit, Minor Conditional Use permit, Temporary Use Permit, or as a Legal Nonconforming Use.

Person shall mean an individual, entity, or governmental agency other than the City of Vernon.

Petroleum Refinery shall mean an establishment or plant primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, and other products from crude petroleum and its fractionation products through straight distillation, redistillation, cracking, or other processes.

Petroleum-Related Use shall mean an establishment or plant for the blending or processing of petroleum products but not including a Petroleum Refinery or Petroleum Storage Facility. Petroleum-Related Use does not include storage of fuel as an Ancillary Use to a Permitted Use.

Petroleum Storage Facility shall mean an establishment, including a tank farm, for keeping and storing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, and other petroleum products, but not including storage of fuel as an Ancillary Use. Petroleum-Related Use does not include storage of fuel as an Ancillary Use to a Permitted Use.

Property shall mean all adjacent Lots under common ownership.

Public Storage shall mean a structure or series of structures divided into small sections and used by the general public for storage of goods or materials.

Public Utilities shall mean facilities owned or operated by an entity that is not the City of Vernon, that is subject to governmental regulation such as the California Public Utilities Commission, and that

provides an essential commodity or service such as water, power, transportation, or communication to the public. It shall include electrical substations, water or wastewater treatment plants, and similar facilities of public agencies or public utilities, but shall not include property used solely for telecommunications antennas, cell towers, and related equipment.

Sec. 26.2.11. Definitions (R).

Recycling Facility shall mean a facility that recycles used or waste materials, excluding Hazardous Waste, to convert and redistribute them, or a significant portion of them, as raw materials or to convert them and manufacture a product made wholly or partly from recycled materials, including a biodiesel facility. For these purposes, recycling shall mean a process involving reconstituting materials that would otherwise become waste and returning them to the economic mainstream in the form of raw materials for new reuses or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling Facility does not include recycling activities undertaken as an Ancillary Use to a Permitted Use.

Religious Use shall mean use of a Lot for religious assemblies, institutions, or structures. Religious Use shall not include any Residence on the Lot.

Rendering Plant shall mean an establishment where one or more of the following items is cooked, melted down, extracted, clarified, or otherwise processed to produce oil, tallow, grease, fertilizer (other than fertilizer from manure), animal feed, or ash: carcasses of animals or fowl, dead animals or fowl, fish, blood, offal, bones, meat, animal or vegetable fat, feathers, food scraps or waste, and other animal, fowl, or fish byproducts. Rendering Plant shall not include an establishment exclusively producing fats, oils, lard, or similar products for human consumption; nor, a rendering process in connection with and incidental to a slaughterhouse, abattoir, packing plant, or similar establishment producing food for human consumption.

Residence shall mean and include one or more rooms in a Building managed or used as living quarters, including, without limitation: a Building or Buildings used as a single-family dwelling or a multi-family dwelling; a Building or Buildings used as a live-in treatment facility, substance abuse center, half-way house, or home for senior citizens, disabled persons, or other residential care facilities; and dwelling units reserved for use by a resident owner, caretaker, watchman, emergency personnel, or maintenance personnel. Emergency Shelter is specifically excluded from this definition.

Residential Use shall mean the development and use of a property exclusively with a Residence or Residences, and any accessory uses or Buildings customarily associated with a Residence, such as but not limited to private recreational facilities, private open space, and on-site support facilities to residents of the property.

Retail Use shall mean a business providing the point of final sale of goods directly to customers, including, without limitation, restaurants and coffee shops, grocery stores, and vehicle sales. Retail Use shall not include mail-order or internet sales.

Right-of-way shall mean the planned future ultimate width of a Street as determined by the Master Plan of Streets.

Sec. 26.2.12. Definitions (S).

Salvage Yard – see **Junk or Salvage Business.**

Server Farm – see **Data Center.**

Site Planning and/or Site Development Standards shall mean the land use standards described in Section 26.4.1-8, "Site Planning Standards," and/or site planning standards identified for individual Overlay Zones in this Chapter.

Slaughtering shall mean the industrial process of butchering animals and dressing and preparing the products of their carcasses for food or other purposes.

Solid Waste Facility shall mean any facility or location that stores, processes, or transfers solid waste as defined in California Public Resources Code Section 40191, or in any amendments to or recodifications of such statute, and related regulations.

Sound Level shall mean the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specification for Sound Level Meters S1.4. The sound level meter shall be set at **"A"** weighting and at **"SLOW"** dynamic characteristic.

Special Event Permit shall mean a permit issued by the Vernon Fire Department for a short duration special event such as indoor or outdoor sales event of product normally stored or produced onsite, outdoor or indoor meeting, ground breaking ceremony, holiday or special occasion party or similar event.

Static Display shall mean the face of a sign or Outdoor Advertising Display that has a fixed, printed face and does not have a Digital Display.

Street shall mean (a) any public road or street (including a highway or freeway) or sidewalk owned or controlled by any governmental entity, or (b) any private recorded thoroughfare that affords a means of access to an abutting Lot.

Supportive Housing shall mean housing with no limit on length of stay that is occupied by the target population as defined in the California Health and Safety Code Section 50675.14, and that is linked to on-site or off-site services that assist tenants to retain the housing, improve their health status, maximize their ability to live, and when possible, to work in the community.

Sec. 26.2.13. Definitions (T).

Tattoo Parlors shall mean establishments whose principal business activity is one or more of the following: (a) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or (b) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Tattoo Parlors are considered a First Amendment Protected Use.

Telecommunications Antenna shall mean a physical device or system through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

Temporary Use Permit shall mean a permit granted by an authorized agent of the City for certain uses of Property not permitted of right because such uses might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.

Trade School shall mean a facility or teaching unit designed to educate an adult on the skills needed to perform a specific job, apprentice education, and similar training.

Trailer shall mean any vehicle or structure having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place whether by motor power or other means. The term Trailer shall include camp car, house car, mobile home, camper, recreational vehicle (RV), or other vehicle whose uses may include cooking or sleeping.

Trailer Park shall mean any Lot or portion thereof used or designed to accommodate two (2) or more Trailers used for housekeeping or sleeping or living quarters, and such definition shall include trailer courts, mobile home courts, and mobile home parks.

Transitional Housing shall mean temporary rental housing with length of stay that ranges between six (6) months to two (2) years for homeless individuals or families who are transitioning to permanent housing, operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time.

Transportation-Related Use shall mean any use that is the same or similar to a Freight Terminal or Truck Terminal, or that supports the movement of goods or people, such as taxi dispatch. A Transportation-Related Use shall not include a public Street or railroad Right-of-way.

Trash to Energy Facilities shall mean the process of creating energy in the form of electricity or heat from waste conversion.

Truck Terminal shall mean any Lot, Building, or portion of a lot or a building used primarily for the storage, maintenance, repair, or servicing of highway-type vehicles carrying persons or property including, but not limited to, trucks and buses. Truck Terminal does not include parking of vehicles in connection with a Permitted Use or repairing or maintaining vehicles used in connection with a Permitted Use on the same Lot as the Permitted Use.

Sec. 26.2.14. Definitions (U-V).

Urgent Care Facility shall mean a facility used to provide medical screenings or to treat patients who have an injury or illness that requires immediate care, but is not serious enough to warrant a visit to a hospital emergency room.

Variance shall mean an exception to the required Development Standards or Site Planning Standards applicable to a Property granted by the City Council based on the criteria and findings set forth in Section 26.6.2, "Variances."

Vibration shall mean discrete ground movement as measured by peak particle velocity in inches per second.

Sec. 26.2.15. Definitions (W-Z).

Warehouse Use shall mean a Building or portion thereof used primarily for the storage of saleable goods or raw materials to be incorporated into saleable goods (including storage for distribution to other locations for wholesale or retail sale), but not including a Cold Storage Warehouse. The storage of scrap materials shall not constitute a Warehouse Use.

Wholesale Use shall mean a Building or part of a Building used primarily for the storage and distribution of merchandise that is sold in large volumes to retailers or other professional businesses, but not to a standard retail consumer. Wholesale Use includes the storage and distribution of merchandise for more than 72 hours. The storage and sale of scrap materials shall not constitute a Wholesale Use.

Zone and Overlay Zone shall mean a section of the City to which regulations governing the use, area, size of Buildings and Ancillary Structures, and other uniform regulations apply.

Zoning Map shall mean the Comprehensive Zoning Map of the City of Vernon, as further described in Section 26.3.2, "Comprehensive Zoning Map."

Article III. Zone and Overlay Zones.

Sec. 26.3.1. Zone and Overlay Zones of the City.

Sec. 26.3.1-1. Establishment of Zone and Overlay Zones. As a result of its commitment to making property available for Industrial Use and to carry out the purposes and provisions of this Chapter, the entire City of Vernon is hereby zoned for General Industry (I Zone). All property within the City is located within the General Industry Zone (the I Zone), and must conform to the standards of use and the Development Standards and Site Planning Standards for the I Zone. Within the I Zone, special categories of Overlay Zones have been established for the purpose of allowing special uses that are not otherwise permitted within the City. The Zone and the Overlay Zones are designated as follows, and either the name or the symbol may be used to refer to the General Industry Zone (the I Zone) or any of the Overlay Zones. The boundaries of each of the Overlay Zones are set forth in detail on the Zoning Map.

The I Zone is the General Industry Zone.

The Overlay Zones are:

C-1	-	Commercial-1 Overlay Zone
C-2	-	Commercial-2 Overlay Zone
E	-	Emergency Shelter Overlay Zone
H	-	Housing Overlay Zone
R	-	Rendering Overlay Zone
S	-	Slaughtering Overlay Zone
T	-	Truck and Freight Terminal Overlay Zone

Sec. 26.3.1-2. Uses Permitted of Right. It is the City's intent to provide an acceptable location within the County of Los Angeles for Industrial Uses, including those that may not be compatible with land use elsewhere in much of the County. As a result of this intent and the City's pervasive industrial environment, Industrial Uses are permitted in the I Zone and each of the Overlay Zones. Certain non-Industrial Uses are permitted in the I Zone in accordance with Section 26.4.1-2, "Uses Permitted of Right," *et seq*. Certain non-Industrial Uses may be permitted in the C-1, C-2, E, H, R, S, and T Overlay Zones, as set forth in the descriptions of the uses permitted in those Overlay Zones.

Sec. 26.3.1-3. Uses that Require a Conditional Use Permit. All uses that are not specifically permitted under this Chapter and are not specifically prohibited by this Chapter require a Conditional Use Permit or other entitlement as may be specified in this Chapter.

Sec. 26.3.1-4. Prohibited Uses. Uses that are prohibited in Section 26.4.1-5, "Uses That Are Prohibited or Limited," shall not be permitted in any Zone or other Overlay Zone and are not be eligible for a Conditional Use Permit or other entitlement, in any Zone or other Overlay Zone.

Sec. 26.3.1-5. Determination of Category of Use. The Director shall have the authority to determine if a proposed use is substantially similar to a use that is permitted of right and may therefore be located in the City or in a particular Overlay Zone. If the Director determines that a use is not

specifically prohibited, is not permitted of right, or is substantially similar to a use that is permitted of right and may not otherwise be permitted through another entitlement process, the owner or applicant shall have the right to apply for a Conditional Use Permit or a Minor Conditional Use Permit in accordance with Sections 26.6.3, "Conditional Use Permit," and 26.6.4, "Minor Conditional Use Permit."

Sec. 26.3.1-6. Legal Nonconforming Uses. Notwithstanding the terms of this Ordinance, uses that were in existence and permitted of right or by use of a Conditional Use Permit prior to the effective date of this Ordinance shall be permitted to remain on the Lot on which they are currently located, as Legal Nonconforming Uses in accordance with the terms of Section 26.5.3, "Legal Nonconforming Status," and in accordance with their existing Conditional Use Permit, if applicable.

Sec. 26.3.2. Comprehensive Zoning Map.

A part of this Chapter is a Map that shows the location and boundaries of the various Overlay Zones established by this Chapter. This Map shall be known, cited, and referred to as the **"Comprehensive Zoning Map of the City of Vernon"** and may be referred to in this Chapter as the Zoning Map. Said Zoning Map, together with all notations, references, and other information shown thereon, is the official zoning map of the City of Vernon and shall be as much a part of this Chapter as if the matters and information set forth by said Zoning Map were all fully described herein. Copies of the Zoning Map are on file with the Department of Public Works, Water, and Development Services and are available on request. In the event of a conflict between the terms of this Chapter and the Zoning Map, the terms of this Chapter shall control.

Sec. 26.3.3. Uncertainty as to Overlay Zone Boundaries.

Where uncertainty exists with respect to the boundaries of any of the Overlay Zones, as shown on the Zoning Map, the determination of the City Council as to the location thereof shall be final and conclusive. Any decision regarding the boundaries of an Overlay Zone shall follow the then existing Lot lines.

Sec. 26.3.4. Keeping of Zoning Map.

The City Clerk shall keep a true and correct copy of the current Zoning Map at his or her office in the City Hall of the City. At the end of each calendar year, or more often at the direction of the City Clerk, said Zoning Map shall be revised to reflect all Amendments to this Chapter or the Zoning Map.

Sec. 26.3.5. Non-Applicability to City of Vernon.

Except as otherwise required by law, the requirements of this Chapter, and of the General Plan, do not apply to actions taken by the City to use or authorize the use of property that it owns or controls.

Article IV. Zones, Permitted Uses, Development Standards, and Site Planning Standards.

Sec. 26.4.1. General Industry (I) Zone.

Sec. 26.4.1-1. Purpose and Intent.

(a) The General Industry (I) Zone is intended to provide for the orderly development and operation of most types of Industrial Use and to promote the concentration of such uses in a manner that will foster mutually beneficial relationships with each other. The regulation of uses and establishment of Development Standards and Site Planning Standards set forth in the I Zone are those deemed necessary to promote the orderly operation and efficient functioning of the City. The right to use and maintain Legal Nonconforming Uses and Legal Nonconforming Building and Standards in the I Zone and all Overlay Zones are governed by Section 26.5.3, "Legal Nonconforming Status."

(b) Residential Uses are permitted only in the H Overlay Zone.

(c) Commercial Use and Retail Use are permitted only in the C-1 and C-2 Overlay Zones.

(d) First Amendment Protected Uses and Religious Uses are only permitted in the C-2 Overlay Zone.

(e) Emergency Shelters are permitted only in the E Overlay Zone.

(f) Rendering Plants are permitted only in the R Overlay Zone.

(g) Slaughtering is permitted only in the S Overlay Zone.

(h) Hazardous Waste Facilities, Solid Waste Facilities, Truck Terminals, Freight Terminals, and/or Transportation-Related Uses are permitted only in the T Overlay Zone.

(i) Fueling Stations are permitted only in the C-1, C-2 and T Overlay Zones.

(j) All of the above uses that are permitted in specified Overlay Zones are not permitted in other areas of the I Zone, and are not eligible for a Conditional Use Permit or Minor Conditional Use Permit in other areas of the I Zone, even if they are less intensive uses than the Permitted Uses within the I Zone or an Overlay Zone,

(k) All of the above uses that are permitted in specified Overlay Zones are subject to the standards and regulations outlined for the Overlay Zone in which they are located.

(l) Uses that are prohibited under this Chapter, even if less intensive than the Permitted Uses, shall not be permitted in the I Zone or any Overlay Zone. Determination of whether uses fit within the definition of Permitted Uses shall be in the discretion of the Director, as described in Section 26.3.1-5, "Determination of Category of Use."

Sec. 26.4.1-2. Uses Permitted of Right. The following uses of Buildings and land are permitted of right in the I Zone.

(a) Industrial Use.

(b) Data Centers.

(c) Cold Storage Warehouses.

(d) Industrial Gas Manufacturing.

(e) Telecommunications Antenna and Cell Towers.

(f) Warehouse Use (other than Cold Storage Warehouses).

(g) Wholesale Use.

(h) Ancillary Use. Each occupant or user on the Property and each tenant in a multi-tenant Building shall be permitted to dedicate a portion of that Person's space to an Ancillary Use in connection with that Person's Permitted Use, if the following criteria are satisfied:

(1) The Permitted Use for such Person is that Person's majority use.

(2) The Ancillary Use is located upon the same Lot as that Person's Permitted Use.

(3) The Ancillary Use is used solely and exclusively by the Person for that Person's Permitted Use.

(4) Ancillary Use includes offices and showrooms ancillary to the Permitted Use, but does not include the right to sell at retail (Ancillary Retail Use), but does include the right to sublease to a separate tenant office space only within an existing office area. Ancillary Use does not include Outdoor Storage and Activities.

(5) The cumulative total area dedicated to all Ancillary Uses (including any Ancillary Retail Use permitted with a Minor Conditional Use Permit) shall not exceed twenty percent (20%) of the gross floor area occupied by a Permitted Use.

(i) Any activity or use undertaken by the City.

Sec. 26.4.1-3. Uses That May Be Permitted by Conditional Use Permit. Uses that are not specifically permitted pursuant to Section 26.4.1-2, "Use Permitted of Right," and are not specifically prohibited by Section 26.4.1-1, "Purpose and Intent," or Section 26.4.1-5, "Uses That Are Prohibited or Limited," or Section 26.4.1-6, "Uses That May Constitute Legal Nonconforming Use" may be permitted in the I Zone only with a Conditional Use Permit. Without limiting the generality of the foregoing, the following uses require a Conditional Use Permit:

(a) Refineries.

(b) Generating facilities, power plants, cogeneration facilities.

(c) Trash to Energy Facilities.

(d) Petroleum Related Uses, Petroleum Storage Facilities.

(e) Recycling Facilities.

(f) Trade Schools.

(g) Public Utilities.

Sec. 26.4.1-4. Uses That May Be Permitted by Minor Conditional Use Permit. The uses set forth in this Section 26.4.1-4, may be permitted in the I Zone with a Minor Conditional Use Permit.

(a) Incidental Use. Each occupant or user on the Property and each tenant in a multi-tenant Building shall be permitted to dedicate a portion of that Person's space to an Incidental Use in connection with that Person's Permitted Use, if a Minor Conditional Use Permit is approved and the following criteria are satisfied:

(1) The Permitted Use for such Person is that Person's majority use;

(2) The Incidental Use is located upon the same Lot as that Person's Permitted Use.

(3) Incidental Use includes offices, design areas and showrooms related to the Permitted Use, but does not include the right to sell at retail. Incidental Use does not include Outdoor Storage and Activities.

(4) The cumulative total area dedicated to all Incidental and Ancillary Uses (including Ancillary Retail Uses) shall not exceed fifty percent (50%) of the gross floor area occupied by a Permitted Use.

(b) Ancillary Retail Use. Each occupant or user on the Property and each tenant in a multi-tenant Building shall be permitted to dedicate a portion of that Person's space to an Ancillary Retail Use in connection with that Person's Permitted Use, if the following criteria are satisfied:

(1) The Permitted Use for such Person is that Person's majority use;

(2) The Ancillary Retail Use is located upon the same Lot as that Person's Permitted Use and sufficient parking is provided.

(3) The Ancillary Retail Use is used solely and exclusively by the Person for that Persons' Permitted Use and the sell at retail is only for products manufactured onsite or products imported and stored in bulk as part of the Persons' Permitted Use.

(4) Ancillary Retail Use includes the right to sell at retail any day week but does not include Outdoor Storage and Activities including the outdoor display of merchandise.

(5) The cumulative total area dedicated to all Ancillary Uses (including any Ancillary Retail Use) shall not exceed twenty percent (20%) of the gross floor area occupied by a Permitted Use.

Sec. 26.4.1-5. Uses That Are Prohibited or Limited.

(a) No Motel, Hotel, Trailer, or Trailer Park is permitted in any Zone or Overlay Zone. The provisions of this Section do not apply to portable units which (a) have been acknowledged in writing by the owner or user to be units that are to be used temporarily and solely in connection with a construction project on the same Lot by persons who have a separate existing, permanent Residence, (b) have received written approval from the Director for such temporary usage, and (c) are not used for bathing or sleeping. The provisions of this Section do not apply to Trailers used solely to move goods.

(b) No Marijuana Dispensary, Store, Co-op, or Cultivation Operation is permitted in any Zone or Overlay Zone.

(c) No Convention and Entertainment Venue is permitted in any Zone or Overlay Zone.

Sec. 26.4.1-6. Uses That May Constitute Legal Nonconforming Use. The following uses are not permitted in any Zone or Overlay Zone, except that any such use that exists as of the effective date of this Ordinance may be maintained as a Legal Nonconforming Use, subject to the terms of Section 26.5.3, "Legal Nonconforming Status."

(a) Community Facilities

(b) Bars

(c) Junk or Salvage Business

(d) Public Storage (including mini-storage) facilities

(e) Manure Fertilizer Business

(f) Contractor's Yard

(g) Residences located outside of the H Overlay Zone

(h) Freight Terminals, Solid Waste Facilities, Truck Terminals, Transportation-Related Use, or Hazardous Waste Facilities located outside of the T Overlay Zone

(i) Commercial or Retail Uses located outside of the C-1 or C-2 Overlay Zones

(j) Slaughtering located outside of the S Overlay Zone

(k) Rendering Plants located outside of the R Overlay Zone

(l) Fueling Stations located outside of the C-1, C-2 ant T Overlay Zones

Sec. 26.4.1-7. Development and Performance Standards. The following development and performance standards (Development Standards) apply to all Buildings, Ancillary Structures, land, uses, and businesses in the I Zone.

(a) All Buildings, Ancillary Structures, land, uses, and businesses in the I Zone must comply with the following Development Standards at all times.

(1) ***Fire, Explosion, and Environmental Hazards***. All storage of, and activities involving, hazardous, flammable, or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that meet the standards and requirements of the Vernon Fire Department, as such standards and requirements may change from time to time. The storage of or activities involving acutely hazardous materials above the exempt amount, as established by the State of California Fire Code, shall not be permitted within five hundred (500) feet of the outside property line of a school site for students grades kindergarten through twelfth (12th) grade.

(2) ***Radioactivity and Electrical Disturbances.***

(i) Except with the prior approval of the City Council as to specific uses, the use of radioactive materials within any Zone or Overlay Zone shall be limited to measuring, gauging, and calibration devices, and tracer elements in X-ray and like apparatus. In no event shall radioactivity, when measured at any point along any Lot line, be in excess of two and seven-tenths (2.7) by ten (10) to the eleventh (11th) power microcuries per milliliter of air at any moment of time.

(ii) Radio and television and other telecommunications transmitters shall be operated at the regularly assigned wavelengths (or within the authorized tolerances therefor) as assigned thereto by the appropriate governmental agency. All electrical and electronic devices and equipment shall be suitably wired, shielded, and controlled so that in operation they shall not, beyond any point along any Lot line, emit any electrical impulse or wave which will adversely affect the operation and control of any other electrical or electronic device or equipment.

(3) ***Outdoor Storage and Activities***. Outdoor Storage and Activities (other than off-street parking and loading, which are governed by Section 26.5.1, "Off-Street Parking and Loading Facilities") are permitted only in compliance with the following requirements:

(i) No materials or wastes may be deposited on a Lot in such form or manner that they may be transferred off the Lot by natural causes or forces.

(ii) Wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects shall be stored only in closed containers in required enclosures.

(iii) Outdoor Storage and Activities of all materials, products, and inoperative equipment shall be screened or otherwise hidden so as not to be visible from the Street; however, the screen shall not exceed ten (10) feet in height as measured from grade level. The screen shall be maintained in good repair. Operational equipment used in the business located on the Lot is not required to be screened.

(iv) A minimum six-foot high screening wall shall be provided on the interior lot lines of any lot with outdoor storage and activities that abuts a Lot with an existing Residential Use or any Lot that is zoned for Residential Use. Screening walls shall follow the lot line of the Lot to be screened, or shall be so arranged within the boundaries of the Lot so as to substantially hide the outdoor storage and activities from adjoining residential properties.

(v) No Outdoor Storage and Activities are permitted on any area of a Lot that is required to be available for fire department access, as such access requirements are set forth in the Code.

(vi) Outdoor Storage and Activities, including operational equipment used in the business located on the Lot, shall not occur if such usage would result in a reduction or elimination of the parking, loading, or maneuvering required for the Permitted Use located on the property unless approved by the Director pursuant to Section 26.5.1-6(q), "Reduction in Required Parking Spaces." Outdoor Storage and Activities existing on the effective date of this Ordinance that violate these provisions may be continued as a legally nonconforming usage for the period described in Section 26.5.3-2(e).

(4) ***Weed and Debris Abatement.*** All landscaped areas (on the Property, as well as contiguous planted areas within the public Right-of-way) shall be kept free from weeds, overgrown grass and shrubbery, and debris. Any diseased, dead, damaged, or decaying plant materials shall be removed.

(5) ***No Vehicular Encroachment.*** No vehicle (including a truck trailer) when parked or stopped on a Lot shall extend into the Right-of-way.

(b) All Buildings, Ancillary Structures, land, and businesses in the I Zone must comply with the following Development Standards upon a Change of Use or upon the occurrence of an event described in Table 26.5.3-3 Right to Continue Nonconforming Uses and Buildings that requires compliance with the Development Standards.

(1) ***Vibration***. Upon a Change of Use or the occurrence of an event described in Table 26.5.3-3 Right to Continue Nonconforming Uses and Buildings that requires compliance with the Development Standards, all of the businesses located on the Lot shall be operated so that, cumulatively with existing Vibrations of all new and existing equipment of all businesses on the Lot, the steady ground Vibration inherently and recurrently generated shall not exceed four hundredths of one inch (0.04) per second particle velocity when measured at any point along the Lot line of the Lot on which the source of the Vibration is located. The cumulative effect of Vibrations in excess of four hundredths (0.04) of one inch measured at any point along the Lot line on which the source of the Vibration is located shall be permitted only with a Conditional Use Permit.

(2) ***Noise.*** Upon a Change of Use or the occurrence of an event described in Table 26.5.3-3 Right to Continue Nonconforming Uses and Buildings that requires compliance with the Development Standards, all of the businesses located on the Lot shall be operated in compliance with the following noise standards.

(i) The following noise standards, unless otherwise specifically indicated, shall apply to all Lots within the designated noise zones, measured cumulatively with existing noise from all businesses on the Lot.

Table 26.4.1-7(b)(2)
Noise Standards

Noise Zone	Time Interval	Allowable Exterior Noise
Lots located within one tenth (1/10) of a mile of any residence or school located in Vernon or abutting communities.	10:00 P.M. to 7:00 A.M. 7:00 A.M. to 10:00 P.M.	60 dBA 65 dBA
All other Lots	Any time	75 dBA

(ii) No Person, in any location within the City, shall create any noise, or allow the creation of noise, on any Lot owned, leased, occupied or otherwise controlled by such Person which causes the cumulative noise level when measured at any point along the Lot line of the Lot on which the source of the noise is located to exceed:

(A) The applicable noise standard for a cumulative period of more than thirty (30) minutes in any hour; or

(B) The applicable noise standard plus five (5) dBA for a cumulative period of more than fifteen (15) minutes in any one hour; or

(C) The applicable noise standard plus ten (10) dBA for a cumulative period of more than five (5) minutes in any hour; or

(D) The applicable noise standard plus fifteen (15) dBA for a cumulative period of more than one (1) minute in any hour; or

(iii) In the event the ambient noise level exceeds any of the noise limit categories set forth in subsections (A), (B), or (C) of subsection 2(ii) of this Section, the cumulative period applicable to such category shall be increased to reflect the ambient noise level, plus 5 dBA.

(iv) If a Lot is located on a boundary between two (2) different noise zones, the noise level standard applicable to the quieter noise zone shall apply.

(v) If the noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be determined, the measured noise level obtained while the source is in operation shall be compared directly to the Lot's designated noise zone for the time of day the noise level is measured.

(vi) Any noise source in excess of the standards set forth herein shall be permitted only with a Conditional Use Permit.

(3) ***Water Usage.*** No Person shall increase water demand and usage associated with any Property by more than five hundred (500) acre-feet from the prior calendar year except with a Conditional Use Permit.

(4) ***Distributed Generation.*** With the exception of solar photovoltaic generation of up to one (1) MW of energy on a Lot and emergency generators that only provide power backup when a building's electric utility service is interrupted, no distributed generation shall be permitted on a parcel of land except with a Conditional Use Permit. The City reserves the right to limit the amount of distributed generation to be interconnected to the distribution system.

Sec. 26.4.1-8. Site Planning Standards. The following Site Planning Standards shall apply to all Buildings, Ancillary Structures, land, uses, and businesses in the I Zone. Legal Nonconforming Uses and Legal Nonconforming Buildings or Standards are required to comply with the Site Planning Standards at the time of the occurrence of an event described in Table 26.5.3-3 Right to Continue Nonconforming Uses and Buildings that requires compliance with the Site Planning Standards.

(a) ***Building Intensity***. The total gross Floor Area of all Buildings on any Lot shall not exceed a Floor Area Ratio (FAR) of 2:1.

(b) ***Off-Street Parking and Loading***. Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 26.5.1, "Off-Street Parking and Loading Facilities."

(c) ***Building Setback.*** Every Building or Structure shall be set back not less than fifteen (15) feet from the curb face, as shown on the Master Plan of Streets. The Director shall designate the distance from the center of the Street in any case in which the planned future ultimate width of a Street is not specified or a Street is not symmetrical.

(d) ***Ancillary Structure Setback.*** Where a Lot or parcel of land in any Zone or Overlay Zone abuts a Street as shown on the Master Plan of Streets, every Ancillary Structure on such Lot or parcel shall be set back as follows: (1) if the Ancillary Structure is equal to or greater than twenty (20) feet in height, it shall be set back not less than fifteen (15) feet from the curb face, as shown on the Master Plan of Streets; and (2) if the Ancillary Structure is less than twenty (20) feet in height, it shall be set back not less than to the ultimate planned right of way width of the street as shown on the Master Plan of the Streets, except in no case shall the structure be set back less than eight (8) feet from the curb face, as shown on the Master Plan of Streets. The Director shall designate the distance from the center of the Street to the curb face in any case in which the Master Plan of Streets does not specify a planned future ultimate width from curb to curb or a Street is not symmetrical.

(e) ***No Encroachment.*** Except as otherwise provided in Chapter 22 Streets and Sidewalks Article VI Encroachments Section 22.32 Encroachment to be authorized by license before issuance of permit; exceptions of the Code, no Building or Ancillary Structure shall encroach into the planned future ultimate width of a Street.

(f) ***Barriers***. Where parking, loading, or maneuvering areas adjoin a Street or Streets, a twelve (12) gauge wrought iron fence not less than eight (8) feet in height, a masonry or concrete wall not less than thirty (30") inches in height, or a landscaped area a minimum of four (4) feet in width measured from the property line, or an equivalent protective device as approved by the Director, shall be established along such full frontage, except at driveways, walkways, or other openings where such are necessary. Where a barrier or a landscaped area adjoins a driveway, a ten-inch (10") concrete-filled steel pipe or equivalent protective device shall be installed on driveways used for trucks, and an eight inch (8") concrete filled steel pipe or equivalent protective device shall be installed on driveways used exclusively by automobiles.

(g) ***Minimum Lot Size***. Except in the C-1 and C-2 Overlay Zones, no new Lot shall be established for any use in the I Zone unless the Lot is at least one acre in size and complies with Code Section 28.28, "Lots to Conform to Minimum Requirements."

(h) ***Trash Enclosures.*** All trash disposal areas shall be enclosed on three (3) sides, shall have two (2) block walls and one (1) lockable gate. The gate's overall height shall be a minimum of six (6) feet; its overall width shall be a minimum of eight (8) feet. All block walls shall be a minimum six (6) feet tall.

Sec. 26.4.2. Commercial-1 (C-1) Overlay Zone.

Sec. 26.4.2-1. Purpose and Intent. The purpose of the Commercial-1 (C-1) Overlay Zone is to accommodate at limited and specific areas of the City those business uses that complement and do not detract from the purposely established industrial character of the City. The C-1 Overlay Zone is intended to provide areas for the development of mercantile facilities, including Commercial Uses, Retail Uses, Offices, services, and business operations that would serve existing businesses and surrounding uses by improving access to a greater range of facilities and services. The regulation of uses and establishment of Development Standards and Site Planning Standards set forth in the C-1 Overlay Zone are those deemed necessary to promote the orderly operation and efficient functioning of the City.

Sec. 26.4.2-2. Uses Permitted of Right in the C-1 Overlay Zone. Uses permitted of right in the I Zone are permitted of right in the C-1 Overlay Zone.

Sec. 26.4.2-3. Uses That May Be Permitted by Conditional Use Permit in the C-1 Overlay Zone. Uses permitted in the I Zone with a Conditional Use Permit may be permitted in the C-1 Overlay Zone subject to a Conditional Use Permit.

Sec. 26.4.2-4. Uses That May Be Permitted by Minor Conditional Use Permit. The uses set forth in this Section 26.4.2-4, "Uses That May Be Permitted by Minor Conditional Use Permit," may be permitted in the C-1 Overlay Zone with a Minor Conditional Use Permit.

(a) Commercial or Retail Uses.

(b) Fueling stations.

(c) Incidental Use, including the right to sell at retail, and Ancillary Retail Use.

(d) Uses permitted with a Minor Conditional Use Permit in the I Zone.

Sec. 26.4.2-5. Development Standards and Site Planning Standards in the C-1 Overlay Zone.

(a) The Development Standards of Section 26.4.1-7, "Development and Performance Standards," Table 26.4.107(b)(2), "Noise Standards," and Section 26.4.1-8, "Site Planning Standards," shall apply to all newly constructed Buildings and Ancillary Structures, land, and uses in the C-1 Overlay Zone.

(b) New uses in existing Buildings in the C-1 Overlay Zone shall be required to comply with the Development Standards of Section 26.4.1-7, "Development and Performance Standards." No new Lot shall be established for any use in the C-1 Overlay Zone unless the Lot is at least twenty-five thousand (25,000) square feet in size and complies with Code Section 28.28, "Lots to Conform to Minimum Requirements".

(c) All parcels and Lots located in the C-1 Overlay Zone shall dedicate a minimum of five percent (5%) of the gross square footage of the Lot to irrigated Landscaping that is visible from the Street.

(d) The City Council may impose as part of the Conditional Use Permit, or the Director may impose as part of the Minor Conditional Use Permit, any other requirements as are reasonably necessary to protect nearby owners and occupants from traffic, noise, odor, dust, and similar concerns.

Sec. 26.4.3. Commercial-2 (C-2) Overlay Zone.

Sec. 26.4.3-1. Purpose and Intent. The purpose of the Commercial-2 (C-2) Overlay Zone is to accommodate at limited and specific areas of the City those uses that may ordinarily conflict with the purposely established industrial character of the City. The C-2 Overlay Zone is intended to provide areas for the development of commercial and retail facilities, including Commercial Uses, Retail Uses, Offices, services, and business operations, at locations where such commercial and retail facilities would complement and serve existing business and surrounding uses by improving access to a greater range of facilities and services. The C-2 Overlay Zone is intended to accommodate a higher level of intensity of uses than the C-1 Overlay Zone. The regulations for the C-2 Overlay Zone are those deemed necessary to promote the orderly operation and efficient functioning of the City.

Sec. 26.4.3-2. Uses Permitted of Right in the C-2 Zone. The following uses of Buildings and land are permitted of right in the C-2 Zone.

(a) Uses permitted of right in the I Zone.

(b) Commercial or Retail Uses whose purpose is engaging in business associated with First Amendment Protected Uses.

Sec. 26.4.3-3. Uses That May Be Permitted by Conditional Use Permit in the C-2 Zone. Uses permitted in the I Zone with a Conditional Use Permit may be permitted in the C-2 Overlay Zone subject to a Conditional Use Permit.

Sec. 26.4.3-4. Uses That May Be Permitted by Minor Conditional Use Permit. The uses set forth in this Section 26.4.3-4, "Uses That May Be Permitted by Minor Conditional use Permit," may be permitted in the C-2 Overlay Zone only with a Minor Conditional Use Permit.

(a) Commercial or Retail Uses.

(b) Fueling Stations.

(c) Incidental Use, including the right to sell at retail, and Ancillary Retail Use.

(d) Religious Uses.

(e) Uses permitted with a Minor Conditional Use Permit in the I Zone.

Sec. 26.4.3-5. Development Standards and Site Planning Standards.

(a) Sections 26.4.1-7, "Development and Performance Standards," and 26.4.1-8, "Site Planning Standards," shall apply to all newly constructed Buildings and Ancillary Structures, land, and uses in the C-2 Overlay Zone.

(b) No new Lot shall be established or approved for any use in the C-2 Overlay Zone unless the Lot is at least twenty-five thousand (25,000) square feet in size and complies with Code Section 28.28.

(c) All parcels and Lots located in the C-2 Overlay Zone shall dedicate a minimum of five percent (5%) of the gross square footage of the Lot to irrigated Landscaping that is visible from the Street.

(d) The City Council may impose as part of the Conditional Use Permit, or the Director may impose as part of the Minor Conditional Use Permit, any other requirements as are reasonably necessary to protect nearby owners and occupants from traffic, noise, odor, dust, and similar concerns.

(e) New uses in existing Buildings in the C-2 Overlay Zone shall be required to comply with Section 26.4.1-7, "Development and Performance Standards."

Sec. 26.4.4. Slaughtering (S) Overlay Zone.

Sec. 26.4.4-1. Purpose and Intent. The purpose of the Slaughtering (S) Overlay Zone is to permit the Slaughtering of animals at limited and specific locations, with such land use controls as will adequately accommodate such specialized operations and will minimize traffic, noise, vibration, dust, odors, smoke, or risk of disease that is obnoxious to or interferes with the operation of other uses in the I Zone and the other Overlay Zones. The provisions of this S Overlay Zone are intended to ensure that the City will function safely and efficiently and provide an attractive industrial environment.

Sec. 26.4.4-2. Uses Permitted of Right in the S Overlay Zone. Uses permitted of right in the I Zone are permitted of right in the S Overlay Zone.

Sec. 26.4.4-3. Uses That May Be Permitted by Conditional Use Permit in the S Overlay Zone. The uses set forth in this Section 26.4.4-3, "Uses That May Be Permitted by Conditional Use Permit," may be permitted in the S Overlay Zone only with a Conditional Use Permit.

(a) All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the S Overlay Zone with a Conditional Use Permit.

(b) Lots encompassing one acre or more of area may be used for the slaughtering of animals.

Sec. 26.4.4-4. Development Standards and Site Planning Standards in the S Overlay Zone.

(a) The Development Standards of Section 26.4.1-7, "Development and Performance Standards," and the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards," shall apply to all newly constructed Buildings, Ancillary Structures, land, and uses in the S Overlay Zone.

(b) New uses in existing Buildings in the S Overlay Zone shall be required to comply with the Development Standards of Section 26.4.1-7, "Development and Performance Standards."

(c) The City Council may impose as a part of the Conditional Use Permit any other requirements as are necessary to protect nearby owners and occupants from the traffic, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.

Sec. 26.4.5. Rendering (R) Overlay Zone.

Sec. 26.4.5-1. Purpose and Intent. The purpose of the Rendering (R) Overlay Zone is to allow for Rendering Plants at limited and specific locations, with such land use controls as will adequately accommodate their specialized operations and will minimize traffic, noise, vibration, dust, odors, smoke, or risk of disease that is obnoxious to or interferes with the operation of other uses in the I Zone and the other Overlay Zones. The provisions of the R Overlay Zone are intended to ensure that the City will function safely and efficiently and provide an attractive industrial environment.

Sec. 26.4.5-2. Uses Permitted of Right in the R Overlay Zone. Uses permitted of right in the I Zone are permitted of right in the R Overlay Zone.

Sec. 26.4.5-3. Uses That May Be Permitted by Conditional Use Permit in the R Overlay Zone. The uses set forth in this Section 26.4.5-3, "Uses That May Be Permitted by Conditional Use Permit," may be permitted in the R Overlay Zone only with a Conditional Use Permit.

(a) All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the R Overlay Zone with a Conditional Use Permit.

(b) Lots encompassing one acre or more of area may be used for a Rendering Plant.

Sec. 26.4.5-4. Development Standards and Site Planning Standards in the R Overlay Zone.

(a) The Development Standards of Section 26.4.1-7, "Development and Performance Standards," and the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards," shall apply to all newly constructed Buildings, Ancillary Structures, land, and uses in the R Overlay Zone.

(b) New uses in existing Buildings in the R Overlay Zone shall be required to comply with the Development Standards of Section 26.4.1-7, "Development and Performance Standards."

(c) The City Council may impose as a part of the Conditional Use Permit any other requirements as are necessary to protect nearby owners and occupants from the traffic, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.

Sec. 26.4.6. Housing (H) Overlay Zone.

Sec. 26.4.6-1. Purpose and Intent. The purpose of the Housing (H) Overlay Zone is to accommodate housing at limited and specific areas of the City pursuant to General Plan policy, and to locate such housing in a manner that minimizes potential conflicts between residential and industrial uses. The regulation of uses and establishment of Standards and Findings set forth in the H Overlay Zone are those deemed necessary to promote health and safety of residents and businesses, and the orderly operation and efficient functioning of the City. Given the industrial nature of Vernon, this Section 26.4.6, "Housing (H) Overlay Zone," establishes a Development Agreement as the

entitlement process for establishing any new Residential Use in the H Overlay Zone. A Development Agreement will allow tailored development standards to be applied to proposed residential projects, thereby providing flexibility in responding to the unique land use conditions in Vernon.

Sec. 26.4.6-2. Uses Permitted of Right in the H Overlay Zone. Uses permitted of right in the I Zone are permitted of right in the H Overlay Zone.

Sec. 26.4.6-3. Uses That May Be Permitted by Conditional Use Permit in the H Overlay Zone. All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the H Overlay Zone with a Conditional Use Permit.

Sec. 26.4.6-4. Uses That May Be Permitted by Development Agreement in the H Overlay Zone. Residential Uses, including single-family housing, multi-family housing, supportive housing, transitional housing, and other similar forms of housing are permitted in the H Overlay Zone with a Development Agreement.

Sec. 26.4.6-5. Development Standards and Site Planning Standards in the H Overlay Zone.

(a) For any nonresidential Permitted Use in the H Overlay Zone, the Development Standards of Section 26.4.1-7, "Development and Performance Standards," and the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards," shall apply to all Buildings, Ancillary Structures, land, and uses.

(b) For any proposed Residential Use in the H Overlay Zone, the approved Development Agreement specific to that Residential Use shall define the Development Standards and Site Planning Standards that apply to all Buildings, Ancillary Structures, land, and uses associated with that Residential Use. Where the approved Development Agreement is silent with regard to any Development Standard or Site Planning Standard required by this Chapter, the provisions of the underlying zone shall apply.

(c) The City Council may impose as a part of the Development Agreement any other requirements as are necessary to protect occupants of the development and/or nearby owners and occupants from the impacts associated with traffic, air pollutants, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.

Sec. 26.4.6-6. Findings. After a public hearing, the City Council shall approve a proposed residential development and related Development Agreement only after first making all of the following findings:

(a) The design, location, size, and operating characteristics of the proposed residential development will be compatible with the existing land uses in the vicinity;

(b) The proposed density is consistent with density standards and all applicable policies contained in the General Plan;

(c) The site and site plan are physically suitable in terms of design, location, shape, size, and the provision of public and emergency vehicle access, and public services and utilities, including but not limited to fire protection, police protection, potable water, schools, sewerage, solid waste collection and disposal, storm drainage, and wastewater collection, treatment, and disposal;

(d) On-site traffic circulation for pedestrians and vehicles is designed into the development to allow residents to move easily through the development and to avoid pedestrian/vehicular conflicts and further, to ensure appropriate access for fire and police response and surveillance equal to or better than what would normally be created by compliance with the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards";

(e) The proposed project provides suitable, usable common and/or private open space that will meet the passive and/or active recreation needs of the resident. Common open space areas and setbacks are provided with landscaping and other improvements suitable for the development proposed;

(f) The proposed project provides adequate parking to meet the residents' needs, to avoid parking impacts on surrounding properties, and to comply with state and federal law; and

(g) Refuse/recycling collection areas are located to provide easy access to for all residents and collection vehicles, and to minimize noise impacts on residents.

Sec. 26.4.7. Truck and Freight Terminal (T) Overlay Zone.

Sec. 26.4.7-1. Purpose and Intent. The purpose of the Truck and Freight Terminal (T) Overlay Zone is to permit Truck Terminals, Freight Terminals, Solid Waste, and Hazardous Waste Facilities at limited and specific locations with such land use controls as will adequately accommodate their specialized operations and will minimize traffic, noise, vibration, dust, or odors that are obnoxious to or interfere with the operation of other uses in the I Zone and the other Overlay Zones. The provisions of this T Overlay Zone are intended to ensure that the City will function safely and efficiently and provide an attractive industrial environment.

Sec. 26.4.7-2. Uses Permitted of Right in the T Overlay Zone. Uses permitted of right in the I Zone are permitted of right in the T Overlay Zone.

Sec. 26.4.7-3. Uses That May Be Permitted by Conditional Use Permit in the T Overlay Zone. The uses set forth in this Section 26.4.7-3 may be permitted in the T Overlay Zone only with a Conditional Use Permit.

(a) All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the T Overlay Zone with a Conditional Use Permit.

(b) Hazardous Waste Facilities.

(c) Solid Waste Facilities.

(d) Fueling stations.

(e) Lots encompassing two (2) acres or more of area may be used for a Freight Terminal, Truck Terminal or Transportation Related Use.

Sec. 26.4.7-4. Development Standards and Site Planning Standards in the T Overlay Zone.

(a) The Development Standards of Section 26.4.1-7, "Development and Performance Standards," and the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards" shall apply to all newly constructed Buildings, Ancillary Structures, land, and uses in the T Overlay Zone.

(b) New uses in existing Buildings in the T Overlay Zone shall be required to comply with the Development Standards of Section 26.4.1-7, "Development and Performance Standards."

(c) The City Council may impose as a part of the Conditional Use Permit any other requirements as are necessary to protect nearby owners and occupants from the traffic, air pollutants, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.

Sec. 26.4.8. Emergency Shelter (E) Overlay Zone.

Sec. 26.4.8-1. Purpose and Intent. The purpose of the Emergency Shelter (E) Overlay Zone is to comply with Government Code Sections 65582, 65583(a) and 65589.5, which require all California cities to permit emergency (homeless) shelters as a matter of right in at least one zone. The purpose of regulating the siting of emergency shelters is to ensure emergency shelters are developed in a manner which protects the health, safety, and general welfare of nearby residents and businesses while providing for the housing needs of the homeless.

Sec. 26.4.8-2. Uses Permitted of Right. Uses permitted of right in the I Zone are permitted of right in the E Overlay Zone, and all such uses shall be subject to the Development Standards of Section 26.4.1-7, "Development and Performance Standards," and the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards." Emergency shelters are permitted of right in the E Overlay Zone. Emergency shelters developed within the E Overlay Zone shall be subject to the Development Standards of Section 26.4.8-4, "Development and Site Planning Standards for Emergency Shelters."

Sec. 26.4.8-3. Uses That May Be Permitted by Conditional Use Permit.

(a) All uses permitted in the I Zone with a Conditional Use Permit are also permitted in the E Overlay Zone with a Conditional Use Permit and shall be subject to the Development Standards of Section 26.4.1-7, "Development and Performance Standards," and the Site Planning Standards of Section 26.4.1-8, "Site Planning Standards."

(b) The City Council may impose as a part of the Conditional Use Permit any other requirements as are necessary to protect nearby owners and occupants from the traffic, air pollutants, noise, odor, dust, vibration, risk of infection or disease, and similar concerns.

Sec. 26.4.8-4. Development and Site Planning Standards for Emergency Shelters.

(a) The emergency shelter shall contain a maximum of ten (10) beds and shall serve no more than ten (10) homeless persons at any one time.

(b) Occupancy by an individual or family may not exceed one hundred eighty (180) consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.

(c) A minimum distance of three hundred (300) feet shall be maintained from any other Emergency Shelter, as measured from the property line.

(d) Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. The intensity shall comply with standard City performance standards for outdoor lighting.

(e) A Security and Safety Plan shall be provided for the review and approval of the Director. The plan may be required to address additional security and safety needs as identified by the Director. The approved Security and Safety Plan shall remain active throughout the life of the facility. The plan shall contain provisions addressing the following topical areas: sleeping areas, loitering control, management of outdoor areas, alcohol and illegal drugs, and current contact information for the operator of the facility during day and nighttime hours.

(f) The facility may provide the following services in designated areas separate from sleeping areas: recreation area, counseling center, laundry, kitchen, dining hall, and client storage areas.

Article V. Regulations Applicable to the I Zone and Overlay Zones.

Sec. 26.5.1. Off-Street Parking and Loading Facilities.

Sec. 26.5.1-1. Interpretation. The provisions of this Section 26.5.1, "Off-Street Parking and Loading Facilities," establish minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare, and shall not be deemed or construed to prohibit the City Council, in granting or approving a Conditional Use Permit, Variance, or Development Agreement from requiring additional parking or loading facilities for a particular use.

Sec. 26.5.1-2. Consideration of Fractional Remainders. Where calculation of the number of spaces required results in a fractional number, any fraction shall be rounded to the next higher whole number.

Sec. 26.5.1-3. Parking in Buildings. Where required parking or Loading Space computations are based on Floor Area, floor space devoted to parking or loading within a Building shall not be included in the Floor Area portion of the computation.

Sec. 26.5.1-4. Multiple Uses. In the case of mixed uses in a Building or on a Lot, the total required number of off-street parking and loading spaces and maneuvering capacity shall be the sum of the requirements for the various uses.

Sec. 26.5.1-5. No Loss of Minimum Required Space or Maneuvering Capacity. Existing parking, maneuvering, and loading facilities on a Lot or parcel may not be reduced or removed below the required minimum (or below the now existing number of spaces or maneuvering capacity, if the existing number of spaces or maneuvering capacity is below the required minimum) unless substitute spaces or maneuvering capacity are provided.

Sec. 26.5.1-6. Parking, Maneuvering, and Loading Development Standards.

(a) ***General.*** Parking, maneuvering, and loading capacities for any Building shall comply with the minimum standards set forth in this Section 26.5.1, "Off-Street Parking and Loading Facilities," except that existing parking, maneuvering, and loading capacities are not required to be brought into compliance with these standards until the occurrence of an event described in Table 26.5.3-3, "Right to Continue Nonconforming Uses."

If a use requires a Conditional Use Permit, the Director shall recommend the minimum number of Parking Spaces and the minimum loading and maneuvering requirements for the requested use during the Conditional Use Permit process, based on the information and analysis provided as part of the Conditional Use Permit application process. The Director shall notify the City Council of the recommendation. With the concurrence of the City Council, the Director of Public Works, Water, and Development Services shall utilize the recommended minimum parking and loading and maneuvering requirements as the standard for that and similar uses. Such determination of required number of Parking Spaces and loading and maneuvering requirements shall be recorded as specified in Section 26.6.7, "Interpretations, Minor Exceptions, and Appeals."

If a use requires a Minor Conditional Use Permit, the Director shall approve and develop the standard for the minimum number of Parking Spaces and the minimum loading and maneuvering requirements for the requested use during the Minor Conditional Use Permit process, based on the information and analysis provided as part of the Minor Conditional Use Permit application process. Such determination of required number of Parking Spaces and loading and maneuvering requirements shall be recorded as specified in Section 26.6.7, "Interpretations, Minor Exceptions, and Appeals."

(b) ***Minimum Automobile Parking Requirements.*** Adequate off-street parking, loading, and maneuvering space shall be provided for each use or development on a Lot, or for each Building on a Lot, to accommodate all automobiles or similar vehicles of the employees, consultants, agents, buyers, vendors, salesmen, visitors, and other persons normally transacting business at such enterprise or Building. Table 26.5.1-6(b) Minimum Number of Required Automobile Parking Spaces sets forth the minimum number of required automobile Parking Spaces. If more than one land use is located on a site, including Ancillary or Incidental Uses, the number of required off-street Parking Spaces shall be equal to the sum of all required parking spaces prescribed for each individual Permitted Use.

Table 26.5.1-6(b)
Minimum Number of Required Automobile Parking Spaces [(1)]

Use Type	Required Spaces
Industrial Use, Industrial Gas Manufacturing, and Recycling Facility	One (1) space per 1,000 square feet of gross Floor Area
Commercial Uses	One (1) space per 250 square feet of gross Floor Area
Data Centers	One (1) space per 1,250 square feet of gross Floor Area
Emergency Shelter	One (1) space for each five (5) beds plus two (2) additional spaces.
Health Clubs (gyms)	One (1) space per 200 square feet of gross Floor Area
Religious Uses	One (1) space for each three (3) fixed seats, or where no fixed seats are provided, one (1) space for every 35 gross square feet of gross Floor Area
Residential Uses	Parking Determined Pursuant to Development Agreement, but no less than one (1) space for each unit.

Restaurant (Take out)	Eight (8) spaces per 1,000 square feet of gross Floor Area
Restaurant (Sit down)	One (1) space per 100 square feet of gross Floor Area
Retail (less than 25,000 square feet) and multiple tenant Retail	One (1) space per 250 square feet of gross Floor Area
Retail (25,000 square feet or greater) - Single tenant only	One (1) space per 250 square feet for the first 25,000 square feet of gross Floor Area and then one (1) space per each additional 500 square feet of gross Floor Area
Studios (dance, etc.)	One (1) space per 200 square feet of gross Floor Area
Trade Schools	One (1) space per 50 square feet of gross Floor Area
Truck Terminals and Freight Terminals	Parking shall be provided as determined by a parking study prepared for the specific use.
Warehouse Use, General	One (1) space per 1,000 square feet of gross Floor Area
Warehouse Use, Cold Storage	One (1) space per 1,000 square feet of gross Floor Area for the first 50,000 square feet, and one (1) space per 5,000 square feet of gross Floor Area above 50,000 square feet

Note
(1) Through the Conditional Use Permit and Minor Conditional Use Permit processes, the City may require additional parking for a specific use or application.

(c) ***Minimum Truck Loading Requirements***. All Buildings and uses, except for Commercial Uses, Retail Uses, Residential Uses, and Emergency Shelters, shall provide adequate off-street Loading Spaces and areas to accommodate trucks being loaded, unloaded, or waiting to be loaded or unloaded in accordance with the following standards. Truck Loading Spaces in excess of the required number may be counted as required Parking Spaces. Table 26.5.1-6(c) Minimum Required Truck Loading Spaces sets forth the minimum truck loading spaces.

Table 26.5.1-6(c)
Minimum Required Truck Loading Spaces

Use Type	Required Spaces
Industrial Use, Warehouse Use, Industrial Gas Manufacturing	One (1) space per 10,000 square feet of gross Floor Area
Cold Storage Warehouses	One (1) space per 7,500 square feet of gross floor area
Data Centers	One (1) space per 50,000 square feet of gross floor area
Commercial Use and Retail Use	Loading shall be provided as determined by a parking study prepared for the specific use.

(d) ***Minimum Truck Parking Requirements.*** All Buildings and uses, except for Commercial Uses, Retail Uses, Residential Uses, and Emergency Shelters, shall provide adequate Parking Spaces for all trucks, regardless of size. Table 26.5.1-6(d) Minimum Required Truck Parking Spaces sets forth the minimum number of required truck Parking Spaces.

Table 26.5.1-6(d)
Minimum Required Truck Parking Spaces

Use Type	Required Spaces
Industrial Use, Cold Storage Warehouses, Warehouse Use, Industrial Gas Manufacturing	One (1) space per 25,000 square feet of gross Floor Area for the first 100,000 square feet and one (1) space per 100,000 square feet of gross Floor Area above 100,000 square feet

(e) ***Location***. Required parking facilities may be located on the Lot as the use or Occupancy for which the parking is being provided or may be provided on a separate Lot. If provided on a separate Lot, a covenant shall be recorded restricting all or a portion of the use of the separate Lot to parking use for the benefit of the use requiring the parking, and evidence shall be filed with the City of Vernon assuring the required number of spaces on such parcel have been set aside and will be maintained for parking purposes in connection with the particular use or Occupancy requiring the parking so long as such use or Occupancy exists. The main entrance of the parking facility located on a separate Lot shall be within fifteen hundred (1,500) feet, measured along the Street from the property line of the Lot on which the parking is located to the front door of the Building in which the principal use of the Lot is conducted.

(f) ***Parking Requirement for Spaces for the Disabled.*** The determination of the required number of Parking Spaces for use by the disabled shall be based on the greater of: 1) the minimum number of required automobile Parking Spaces, as set forth in Table 26.5.1-6(b) Minimum Number of Required Automobile Parking Spaces, or 2)

the actual number of Parking Spaces provided (including both on the Lot and Parking Spaces located off the Lot that are provided for the business). All Parking Spaces for the disabled shall be located on the same Lot as the use or Occupancy for which the parking is provided, and the number of spaces required and the dimensions thereof shall be provided as required by State law.

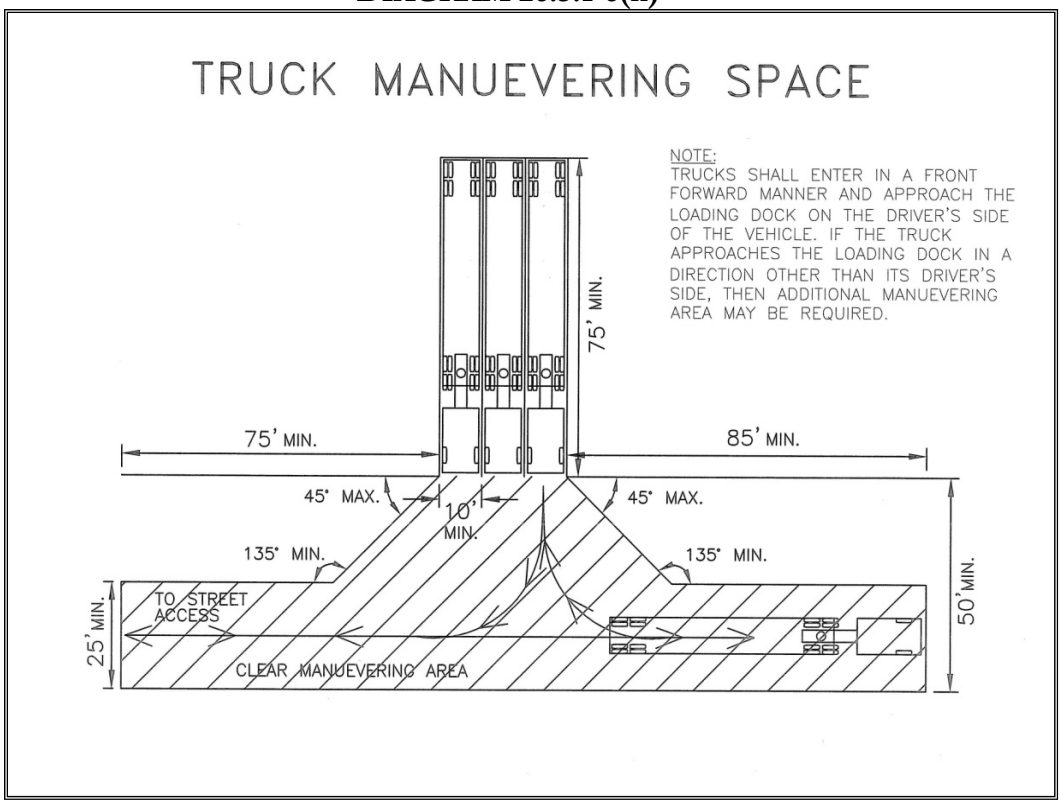
(g) ***Size.*** The minimum size of all Parking and Loading Spaces shall be as set forth in Table 26.5.1-6(g) Parking and Loading Space Minimum Dimensions. Any automobile parking stall adjoining a Building or Ancillary Structure shall be provided with two (2) additional feet of width.

***Table* 26.5.1-6(g)**
Parking and Loading Space Minimum Dimensions

(h)	**Width**	**Length**	**Minimum Vertical Clearance**
Automobile Parking Space	8.5 ft.	19 ft.	7 ft.
Truck Parking Space	10 ft.	75 ft.	15 ft.
Truck Loading Space	10 ft.	75 ft.	15 ft.
For any stand-alone parking or truck Loading Space (not adjacent to another space)	15 ft.	75 ft.	15 ft.

(i) ***Truck Maneuvering Space.*** Unobstructed truck maneuvering space shall be fifty (50) feet, as illustrated by Diagram 26.5.1-6(h) Truck Maneuvering Space.

DIAGRAM 26.5.1-6(h)



(j) ***Loading Equipment.*** Loading equipment may extend into the fifteen (15) foot vertical clearance area described in Section 26.5.1-6(h), "Truck Maneuvering Space," above when required by specialized loading operations, if the Director determines such intrusion will not be contrary to the intent of this Section and approves such intrusion.

(k) ***Parking Lot Dimensions***. Minimum dimensions for required automobile parking shall be as indicated in Table 26.5.1-6(j) Parking Lot Dimensions. Parallel parking stalls located adjacent to a maneuvering or access aisle shall have minimum dimensions of 8.5 feet wide by 25 feet long.

Table 26.5.1-6(j)
Parking Lot Dimensions

Angle (Degrees)	Stall Width (Measured Perpendicularly)	Aisle Width – One Way	Aisle Width – Two-Way
45	20 ft.	15 ft.	20 ft.
60	21 ft.	21 ft.	21 ft.
90	19 ft.	27 ft.	27 ft.

(l) ***Access***. Easily accessible and adequate ingress and egress shall be provided to all parking and loading facilities. Sufficient driveways, maneuvering, and turn-around areas shall be provided on the Lot to allow for safe and unobstructed front entry onto

the Lot. All vehicles, including trucks, using the parking or loading facilities shall enter or leave the Street in a front forward manner without backing onto the Street or backing into the Lot. A minimum of fifty (50) feet of unobstructed maneuvering space shall be maintained for all required truck parking and Loading Spaces, as shown in Diagram 26.5.1-6(h) Truck Maneuvering Space. No maneuvering of vehicles from a parking or loading stall shall occur within twenty (20) feet of a driveway opening, as measured perpendicular to the driveway width, as shown in diagram 26.5.1-6(k) Narrowing of Drive Aisle. An aisle shall not be narrowed at a rate greater than 2 to 1 to achieve a minimum width as shown in Diagram 26.5.1-6(k) Narrowing of Drive Aisle. Minimum required aisle widths shall be as indicated in Table 26.5.1-6(k) Parking Aisle Dimensions.

DIAGRAM 26.5.1-6(k)

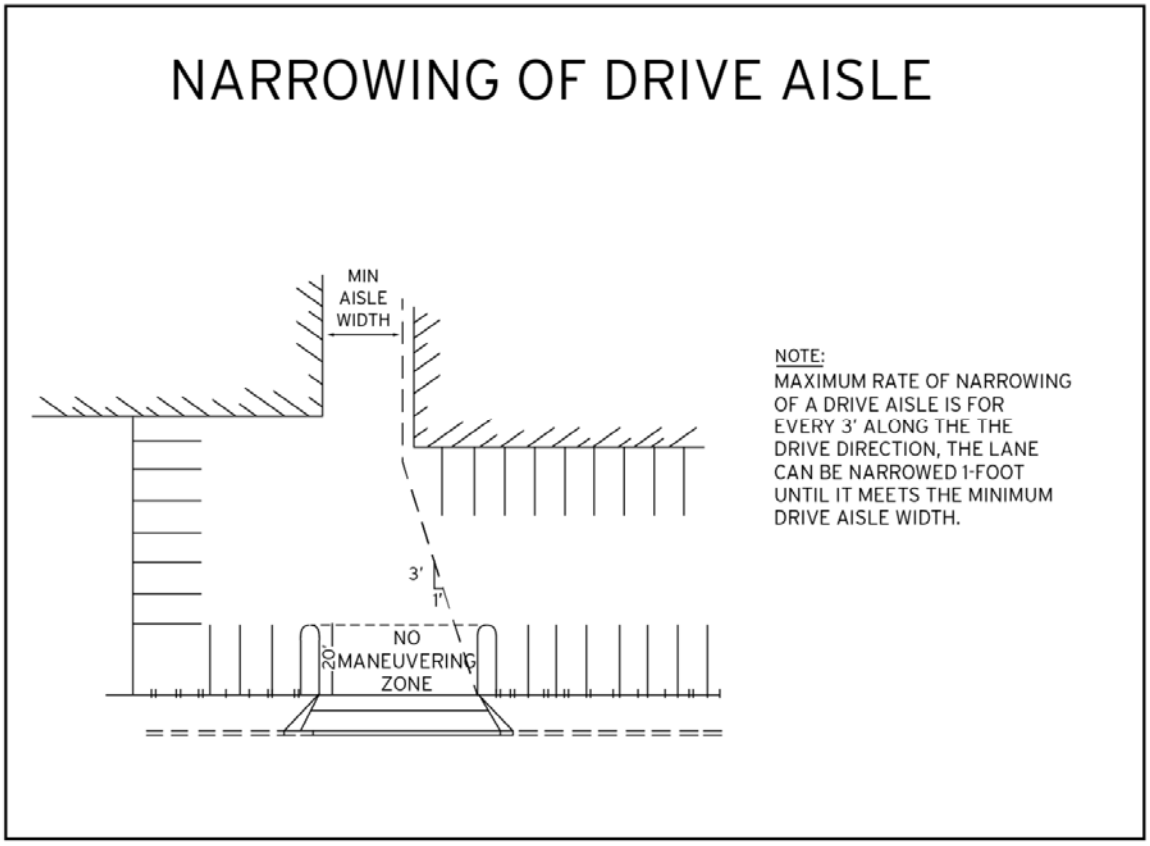


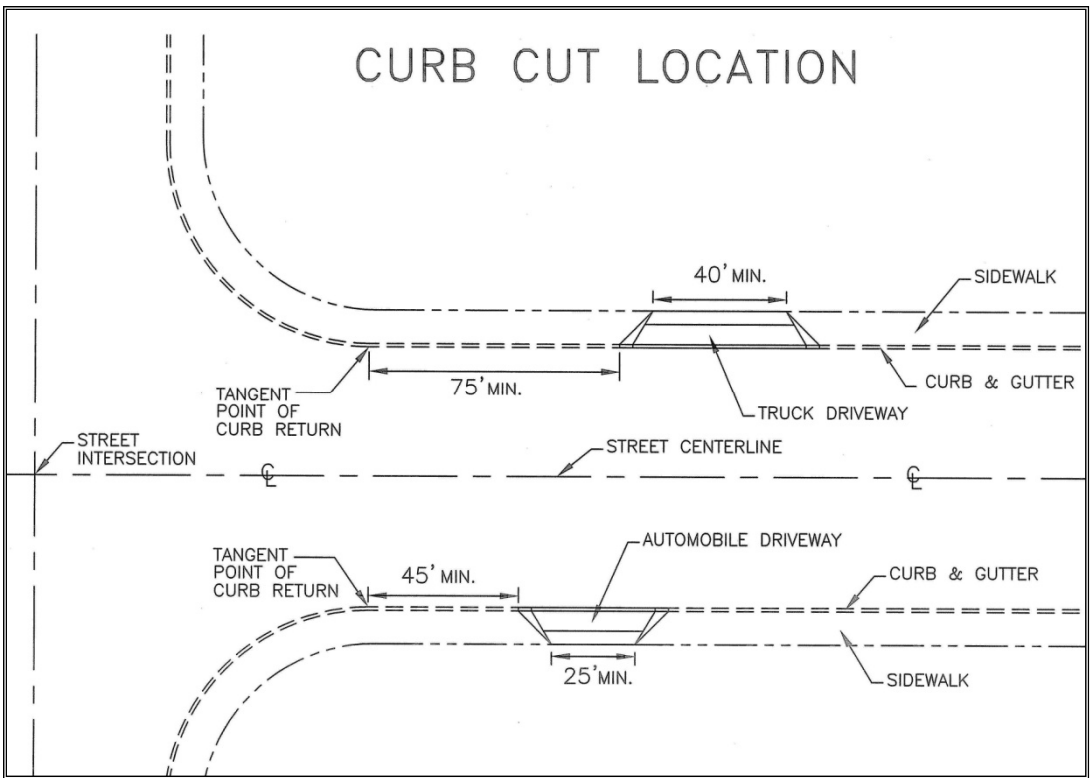
Table 26.5.1-6(k)
Parking Aisle Dimensions

	Width	Height
One-way aisle	15 ft.	15 ft.
Two-way aisle	20 ft.	15 ft.

(m) ***Curb Cuts.*** No curb cut for a driveway or aisle or any portion providing vehicular access to the Lot shall be permitted within any portion of any curb return, nor within seventy-five (75) feet of the point of tangency of any curb return for a driveway used

by trucks, nor within forty-five (45) feet of the point of tangency of any curb return for a driveway used exclusively by automobiles, as shown in Diagram 26.5.1-6(l) Curb Cut Location.

DIAGRAM 26.5.1-6(l)



(n) ***Driveway Entrance.*** The minimum driveway entrance width for truck access shall be forty (40) feet, and the minimum driveway entrance width for automobile access shall be twenty-five (25) feet. All driveways shall be constructed in accordance with City standards.

(o) ***Markings***. All required parking and Loading Spaces and facilities shall be clearly and adequately marked with permanent durable and easily distinguishable materials. All one-way drives, entrances, and exits shall be clearly and permanently marked. Such signs and markings shall be maintained and shall be visible to drivers of vehicles using the parking facility.

(p) ***Paving***. All parking and loading facilities shall be paved with asphalt or concrete and shall provide for adequate drainage. Drainage to the Street shall be treated in compliance with the City's discharge and treatment requirements prior to being released to the Street or storm drain system.

(q) ***Maintenance***. All parking and loading areas shall be kept clean and free of debris, dust, mud, and trash. Parking areas shall be used only for the purpose of parking vehicles. Where Landscaping is provided within or along any parking area, such areas shall be maintained and provided with permanent underground, automated irrigation

systems. Striping, marking, direction signs, lighting, screening and all other improvements required by this Section shall be adequately maintained.

(r) ***Reduction in Required Parking Spaces.*** The required number of off-street Parking Spaces may be reduced by Outdoor Storage and Activities if a parking demand study, prepared by a California-licensed traffic engineer or other qualified professional, is completed specific to the project site and the Permitted Use, and further provided that the study finds that the project site has excess Parking Spaces beyond the Permitted Use's need; such study must be approved by the Director. Where required off-street parking is reduced to allow for Outdoor Storage and Activities, Outdoor Storage and Activities shall only occupy surplus off-street parking in the amount indicated by the parking demand study, and only so long as the actual parking need for the Permitted Use as identified in the parking study continues to be met. No Buildings or Structures shall be constructed in the approved Outdoor Storage and Activities areas that are replacing required off-street Parking Spaces. Any approved parking reduction shall apply only to the specific Permitted Use located on the property and analyzed in the parking demand study. Any subsequent or new use or tenant on the subject property shall not be permitted to utilize the area dedicated to Outdoor Storage and Activities unless a new and project-specific parking demand study is prepared as stipulated in this Section 26.5.1-6(q), "Reduction in Required Parking Spaces," and approved by the Director.

Sec. 26.5.2. Street Dedication and Improvements.

In connection with the issuance of a building or other permit, Conditional Use Permit, Minor Conditional Use Permit, Variance, or Development Agreement, the Director is authorized to require that the owner of a Lot or parcel of land that adjoins a Street dedicate a portion of the land for a Right-of-way in accordance with the planned future ultimate width of a street as shown on the Master Plan of Streets, and make or pay for related street improvements, or both.

Sec. 26.5.3. Legal Nonconforming Status.

Within the I Zone and Overlay Zones established by this Chapter, uses, Buildings, Ancillary Structures, and Lots may exist that do not comply with the requirements of this Chapter. Such non-compliance may include uses that are not permitted or are not permitted in a particular location, or properties that fail to comply with Development Standards or Site Planning Standards. This Section 26.5.3 permits such Legal Nonconforming Status to continue only in conformity with the terms set forth in this Section 26.5.3, "Legal Nonconforming Status," and in Table 26.5.3-3, "Right to Continue Nonconforming Uses and Buildings"; provided, however, that nothing set forth in this Section 26.5.3, "Legal Nonconforming Status," or in Table 26.5.3-3, "Right to Continue Nonconforming Uses and Buildings," permits the continued violation of any Development Standard described in Section 26.4.1-7(a) or the continued violation of any Development Standard described in Section 26.4.1-7(b) following a Change of Use. Nonconformity with Section 26.4.1-7(a) and 26.4.1-7(b) must be corrected or cease as set forth in those Sections. Other legal Nonconforming Uses and Legal Nonconforming Buildings or Standards are permitted to remain, unless and until the occurrence of one of the events set forth in Table 26.5.3-3, "Right to Continue Nonconforming Uses and Buildings," or the expiration of the "Legal Nonconforming Building and Use" as set forth in Section 26.5.3-2. In the case of an event described in Table 26.5.3-3, "Right to Continue Nonconforming Uses and Buildings," the

nonconforming status must comply with the requirements set forth in Table 26.5.3-3, "Right to Continue Nonconforming Uses and Buildings." The existence of Legal Nonconforming Buildings or Standards or the existence of a Legal Nonconforming Use shall not be used as a basis or justification for adding other structures or uses prohibited elsewhere in the same Zone or Overlay Zone.

Sec. 26.5.3-1. Restrictions on Nonconforming Buildings and Uses.

(a) There shall be no increase in the Floor Area or square footage used for Legal Nonconforming Building or Use, except as required by a governmental agency to reduce the environmental impacts caused by the use. There shall be no increase in capacity of the use as a result of the exception above.

(b) An existing Building or a portion of an existing Building containing a conforming use at the effective date of this Ordinance cannot be converted to a nonconforming use.

(c) A nonconforming use shall not be converted to another nonconforming use.

(d) There shall be no decrease in the parking, loading, or maneuvering capacities as they exist as of the date of this Ordinance if such decrease would either make conforming capacities non-conforming or would decrease capacities of an already non-conforming Lot, unless a parking reduction is approved pursuant to Section 26.5.1-6(q), "Reduction in Required Parking Spaces."

Sec. 26.5.3-2. Expiration of Legal Nonconforming Building and Use.

(a) Compliance with the provisions set forth in Table 26.5.3-3, "Right to Continue Nonconforming Uses and Buildings," is required if more than twenty-five percent (25%) of the Floor Area of a nonconforming Building is vacant for a continuous period of at two (2) years or more.

(b) A Building or portion of a Building shall be considered vacant for purposes of this Section when the Building or portion thereof is not legally occupied and used for its Permitted Use. For these purposes, legally occupied means that the owner or occupant possesses all necessary certificates and permits from the City, including, without limitation, a Certificate of Occupancy and business license, and there is an ongoing physical use and Occupancy for the intended purpose.

(c) The running of the two (2) year time limit shall not be tolled (suspended) except by the Director under the circumstances described in sections (1) through (5) below, and only if a delay in re-occupying a Building results from the following circumstances: (i) the Building is undergoing repairs or renovation, whether voluntary or as a result of Force Majeure; (ii) the owner or occupant is investigating or testing hazardous materials, or developing a remediation plan, or remediating or removing any hazardous material (as defined in federal and state laws and regulations); or (iii) the owner is denied possession of or access to the Building by an occupant or former occupant (including as a result of a court proceeding or order). The Director will not toll the two year time limit, except if one of the circumstances described in clauses (i), (ii), and (iii) of this Section is applicable, and under the following additional circumstances:

(1) Not later than sixty (60) days prior to the expiration of the two year period of vacancy, the property owner or his authorized representative must apply to the Director for an extension of the two year time limit.

(2) The application shall be made on a form provided by the Director and shall contain such information as the Director deems necessary to render a determination.

(3) The Director shall determine the amount of time reasonably required to complete the work, taking into account the reason for the delay, the size of the project, and the amount of time typically required for completion of similar projects.

(4) The construction, renovation, or investigation and remediation must be undertaken in a continuous and diligent manner, without delays or work stoppages.

(5) Upon completion of the work, the time so determined by the Director shall be subtracted from the calculation of the period of time a Building has been determined to have been vacant under paragraph (a) of this Section.

(d) If an owner disputes the determination of the Director that at least 25% of the Floor Area of a nonconforming Building has been vacant for a continuous period of at least two (2) years, the owner shall have the right to appeal such decision in accordance with Section 26.6.7-5, "Appeals."

(e) Outdoor Activities and Storage that do not comply with the terms of Section 26.4.1-7(a)(3)(v) constitute a legally nonconforming usage, and may be continued to the same degree as in existence as of the effective date of this Ordinance until January 1, 2020, but may not be increased during that period. After January 1, 2020, all Outdoor Storage and Activities (excluding operational equipment used in the business located on the Lot) whose location reduces the parking, loading, or maneuvering areas on a Lot to a number below that required pursuant to this Chapter must be removed in order to increase to the extent possible the available parking, loading, and maneuvering areas on a Lot. Alternatively, a parking waiver reduction may be requested pursuant to Section 26.5.1-6(p), "Reduction in Required Parking Spaces."

Table 26.5.3-3
Right to Continue Nonconforming Uses and Buildings

Event That Triggers Compliance	Required Compliance		
	Conformity with Use Requirements	**Conformity with Development Standards and Site Planning Standards (Including Parking, Access, and Maneuvering)**	**Conformity with the City's Building Code and the California Building Standards Commission**
Over 25% of the Building is vacant for more than Two Years [subject to tolling permitted in Section 26.5.3-2(c)].	Uses within the portion of the Building that was vacant for over two years must be Permitted Uses in accordance with this Chapter.	Prior to the use of the portion of the Building that was vacant for over two years, the entire Lot on which the Building is located must comply with all Development Standards and Site Planning Standards in accordance with this Chapter.	Prior to the use of the portion of the Building that was vacant for over two years, the proposed use must comply with the change of use requirements of the Existing Structures Chapter of the City's current Building Code and relevant sections of the California Building Standards Commission.
Increase in the Floor Area of a Building per Section 26.5.3-1(a) that does not constitute New Construction or a Major Alteration or Repair.	All uses on the Lot must be Permitted Uses, Conditionally Permitted Uses, or Temporary Permitted Uses in accordance with this Chapter.	The Lot must comply with all Development Standards and Site Planning Standards in accordance with this Chapter, except that the Lot does not have to comply with the Building Setback requirements in Section 26.4.1-8(c), "Building Setback," so long as the increase in Floor Area does not encroach into the Building Setback area.	New construction must comply with the City's current Building Code and relevant sections of the California Building Standards Commission. . Existing construction that is unreinforced masonry must comply with Article IX Existing Building Code of Chapter 24, "Building and Construction," of the Code (concerning seismic requirements), and relevant sections of the California Building Standards Commission.

IF THE ABOVE EVENT OCCURS, IT TAKES PRECEDENCE OVER ANY OTHER EVENT, AND THE NONCONFORMITY MUST CONFORM AS SET FORTH ABOVE. IF ONE OF THE FOLLOWING EVENTS OCCURS IN THE ABSENCE OF THE ABOVE DESCRIBED EVENT, THE NONCONFORMITY SHALL COMPLY WITH THE FOLLOWING PROVISIONS:

Table 26.5.3-3
Right to Continue Nonconforming Uses and Buildings

Event That Triggers Compliance	Required Compliance		
	Conformity with Use Requirements	**Conformity with Development Standards and Site Planning Standards (Including Parking, Access, and Maneuvering)**	**Conformity with the City's Building Code and the California Building Standards Commission**
Change of Use to a category that has greater parking, maneuvering, or loading requirement	Not applicable	The parking, maneuvering, and loading capacities on the Lot on which the use has changed must comply with all of the requirements of Section 26.5.1, "Off-Street Parking and Loading Facilities."	Not applicable
Minor Alteration or Repair	Uses permitted on the Lot on the date of the Minor Repair may continue.	Not required to bring the Lot into compliance with the Development Standards or Site Planning Standards of this Ordinance	New construction must comply with the City's current Building Code and relevant section of the California Building Standards Commission. Existing construction that is unreinforced masonry must comply with Article IX Existing Building Code of Chapter 24, "Building and Construction," of the Code (concerning seismic requirements) and relevant sections of the California Building Standards Commission
New Construction or Major Alteration or Repair that is Voluntary	All uses on the Lot must be Permitted Uses, Conditionally Permitted Uses, or Temporary Permitted Uses, in accordance with this Chapter.	The Lot must comply with all Development Standards and Site Planning Standards in accordance with this Chapter, except that the Lot does not have to comply with the Building Setback requirements in Section 26.4.1-8(c),"Building Setback," so long as the New Construction does not encroach into the Building Setback area.	Entire Building being constructed or altered or repaired must comply with the City's current Building Code and relevant sections of the California Building Standards Commission

Table 26.5.3-3
Right to Continue Nonconforming Uses and Buildings

Event That Triggers Compliance	Required Compliance		
	Conformity with Use Requirements	**Conformity with Development Standards and Site Planning Standards (Including Parking, Access, and Maneuvering)**	**Conformity with the City's Building Code and the California Building Standards Commission**
Major Alteration or Repair that is due to Force Majeure	Uses permitted on the Lot on the date of the Force Majeure Event may continue	If improvements have not commenced within one (1) year of the force majeure event, the Lot must comply with all Development Standards and Site Planning Standards in accordance with this Chapter, or, if none exist for such use, then as required by a Conditional Use Permit. Further, if construction commences within one (1) year of the force majeure event, then the Building may be constructed as it existed prior to the event, except that no portion of the Building shall be constructed within any Street right-of-way as shown on the Master Plan of City Streets.	Entire Building being altered or repaired must comply with the City's current Building Code and relevant sections of the California Building Standards Commission.

Article VI. Special Regulations and Procedures.

Sec. 26.6.1. Purpose.

To ensure the achievement of the goals and purposes of this Chapter without creating undue hardships, and to protect the health, safety, and public welfare, the following regulations and procedures are established for Variances, Conditional Use Permits, Minor Conditional Use Permits, Temporary Use Permits, zoning ordinance text and map amendments, interpretations and minor exceptions, Development Agreements, and Reasonable Accommodation.

Sec. 26.6.2. Variances.

Sec. 26.6.2-1. Justifications for Variances and Limitations on Variances.

(a) ***Special Circumstances.*** Variances from the terms of this Chapter shall be granted only when, because of special circumstances applicable to a Lot, including size, shape, topography, location, surroundings, or other conditions, strict enforcement of the Development Standards or Site Planning Standards deprives such Lot of privileges enjoyed by other property in the vicinity and under the identical zoning classification. Variances are not terminated automatically upon transfer of the Lot for which they have been granted, but are subject to expiration as set forth in Section 26.6.2-8, "Time Requirements for Use of Variance," and revocation or modification as set forth in Section 26.6.2-9, "Revocation of Variance." If the granting or denial of a Variance is subject to CEQA, the time periods for any notice, response, or action shall comply with the time frames established by CEQA, notwithstanding any time periods set forth in this Section 26.6.2, "Variances."

(b) ***Conditions.*** Any Variance granted shall be subject to such conditions that will ensure that the authorized exception does not constitute a grant of special privileges inconsistent with the limitations imposed on other properties in the same Zone or Overlay Zone. The City Council may impose conditions on the Variance to address any pertinent factors affecting the Lot or the establishment, operation, or maintenance of any requested improvement, including, but not limited to the requirement that the applicant comply with any one or more of the following conditions:

(1) Installation of buffer areas, fences, or walls;

(2) Installation of parking facilities, and surfacing of parking areas and driveways;

(3) Dedication of a portion of the land for a Right-of-way;

(4) Making or paying for related street improvements; and

(5) Implementing or using the Variance within a specified period of time.

(c) ***Required Permitted Use.*** A Variance shall not be granted for a Building in which the use is not a Permitted Use.

Sec. 26.6.2-2. Application and Fee. An application for a Variance shall be made by the property owner or authorized agent to the Department of Public Works, Water, and Development Services, on a form provided for that purpose by the City, and shall be accompanied by a filing fee in an amount established by resolution of the City Council. The City may retain, at the applicant's expense, consultants to study the impacts of the proposed operation on the surrounding properties. An application for a Variance shall consist of a completed Variance Form and the following attachments:

(a) **A plot plan** which shall show, as may be applicable to permit informed consideration of the request, the surrounding land uses; the location and dimensions of all Buildings; the location and dimensions of all off-street parking, loading, and storage facilities; the location and width of ingress and egress points to the Lot; and the location and dimensions and turning radii of all parking and loading areas.

(b) **A floor plan**, if applicable, of the building or Buildings showing interior features affected by the requested Variance.

Sec. 26.6.2-3. Notice of Public Hearing. Following presentation of a completed application to the Department of Public Works, Water, and Development Services, the City Clerk shall set the matter for public hearing to be held not less than ten (10) days or more than sixty (60) days from the date of notice. The City Clerk shall give notice thereof in the manner provided in paragraph (a) and (b). The notice shall set forth the date, time, and place of the public hearing; the identity of the hearing body or officer; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the Lot that is the subject of the hearing.

(a) By mailing notice, containing the same information as the published or posted notice, not less than ten (10) days prior to the date of the hearing to:

(1) The owners of all property within a radius of three hundred (300) feet from the Lot for which a Variance is requested, using for this purpose the last known names and addresses of such owners as are shown on the last equalized assessment roll of Los Angeles County;

(2) The owner of the subject Lot or the owner's duly authorized agent;

(3) Any Person who has filed a written request for such notice with the City Clerk (in which case the City may charge a fee that is reasonably related to the costs of providing this service and may require each request to be annually renewed);

(4) The project applicant; and

(5) Each local agency expected to provide water, sewage, streets, schools, or other essential facilities or services to the Lot, if the ability to provide the facilities or services may be significantly affected; and

(b) By publishing a notice in a newspaper designated by the City Council for that purpose. Said newspaper shall be a local newspaper if there be one; otherwise, a newspaper of general circulation covering the City of Vernon shall be designated. The notice shall be published one time at least ten (10) days prior to the date of the hearing; or by posting a notice in three of the most public places in the City of Vernon, to wit: the

northwest corner of 38th Street and Santa Fe Avenue; the northeast corner of Leonis Boulevard and Pacific Boulevard; and on the bulletin board outside of the lobby of the City Hall of said City, located at 4305 Santa Fe Avenue, all in the City of Vernon, County of Los Angeles, State of California. Said notice shall be posted not less than ten (10) days before the date set for the hearing.

Sec. 26.6.2-4. Public Hearing, Action of the City Council. If, from the facts presented at the public hearing or by an investigation at the instigation of the City Council, the City Council makes the findings required in Section 26.6.2-5, "Finding and Decisions by Resolution," herein and finds that such Variance or modification thereof should be granted, the City Council may grant the requested Variance in whole, or in part, and upon such terms and conditions as the City Council may deem proper to preserve the public health, safety, convenience, and welfare and the general intent and purpose of this Chapter. The City Council shall make its decision on said application within thirty (30) days after the conclusion of any hearing held thereon, unless a waiver of this time requirement is provided by the applicant.

Sec. 26.6.2-5. Variance Findings and Decision by Resolution. The City Council shall announce its findings and decision by written resolution. The resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the granting or denial of the Variance necessary to carry out the provisions and general purpose of this Chapter, and shall order that the Variance be granted or denied, with such conditions as are found necessary to protect the public health, safety, and general welfare, and ensure compliance with the provisions of this Chapter. The Variance shall not be granted unless all of the following findings have been made:

(a) There are special circumstances applicable to the Lot such as its size, shape, topography, location or surroundings that do not apply generally to other properties in the same Zone and any relevant Overlay Zone.

(b) Because of the special circumstances applicable to the Lot, the strict application of the applicable Development Standards or Site Planning Standards would deprive the Loss of privileges enjoyed by others.

(c) The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same Zone any relevant Overlay Zone.

(d) The project is consistent with the General Plan and complies with other applicable provisions of this Chapter.

(e) The Variance will not be materially detrimental to the public health, safety, or welfare, or to the interests of residents and property owners nearby the Lot.

(f) The Variance approval places suitable conditions on the Lot to protect nearby properties.

(g) The use is permitted or conditionally permitted in the Zone and any relevant Overlay Zone.

(h) For a Variance approving a Floor Area Ratio greater than 2:1, the following additional findings shall be required:

(1) The strict application of the ratio to industrial facilities with extensive conveyors, silos, towers, tanks, and related features makes the floor area limitation inappropriate; and

(2) The proposed Buildings or Ancillary Structures will not adversely affect the ability of the City to provide public services and utilities to the Lot; and

(3) Surrounding Streets and major Streets providing access to the Lot are adequate to accommodate the intensity of development proposed as established by traffic studies or other studies required by the City.

Sec. 26.6.2-6. Notice of Decision. Not later than ten (10) business days following the rendering of a decision ordering that a Variance be granted or denied, a letter shall be mailed to the applicant at the address shown on the application filed with the City Council stating the decision of the City Council. If a resolution of the City Council orders that the Variance be granted, it shall also recite such conditions and limitations as the City Council may impose. The resolution of the City Council announcing its findings and determination after the hearing on an application for a Variance shall become a permanent record in the files of the City Clerk.

Sec. 26.6.2-7. Effective Date of Order Granting or Denying a Variance. The order of the City Council in granting or denying a Variance shall become final and effective on the date of the adoption of the resolution.

Sec. 26.6.2-8. Time Requirements for Use of Variance. Any Variance approved by the City Council shall expire and become null and void if:

(a) There is no evidence of substantial use of the rights and privileges granted by the Variance within one (1) year from the date on which the Variance was granted; or

(b) The use for which the Variance was granted has ceased to exist or has been suspended for at least one hundred twenty (120) continuous calendar days.

If an application for an extension of the above time requirements is filed prior to the expiration of the applicable time requirement, the City Council may grant one extension of time, not to exceed one year from the time limit specified, without a public hearing. Any additional request for an extension of the time limit shall be treated as a new application for a Variance.

Sec. 26.6.2-9. Revocation of Variance.

(a) ***Notice of Public Hearing.*** Following receipt of a recommendation from the Director that the Variance be revoked, the City Clerk shall set the matter for public hearing to be held not less than ten (10) days nor more than sixty (60) days from the date of notice. The City Clerk shall give notice thereof in the manner provided in Section 26.6.2-3, "Conditional Use Permit." The City Council may by resolution revoke any Variance based upon the determination that the improvement authorized by the Variance has become detrimental to the public health, safety, or general welfare,

or the manner of operation constitutes or is creating a nuisance, based on any one of the following findings:

(1) The circumstances under which the Variance was granted have been changed by the applicant to the extent that one or more of the findings contained in the original Variance can no longer be made in a positive manner, and the public health, safety, and general welfare require the revocation or modification;

(2) The use or business for which a parking or maneuvering Variance was granted has been changed to the extent that one or more of the findings contained in the original Variance can no longer be made in a positive manner, and the public health, safety, and general welfare require the revocation or modification;

(3) The Variance was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement(s) in the application or in the applicant's testimony presented during the public hearing for the Variance;

(4) One or more of the conditions of the Variance have not been substantially fulfilled or have been violated; or

(5) The improvement authorized by the Variance is in violation of any code, law, ordinance, regulation, or statute.

(b) ***Findings***. The City Council shall render written findings setting forth reasons for revoking or modifying the Variance.

(c) ***Notification***. If the Variance is modified or revoked, notification of the City Council action shall be mailed to the owner of the subject Lot or the owner's by the City Clerk and shall include a copy of the City Council resolution specifying the reasons for the revocation or modification of the Variance.

Sec. 26.6.2-10. Previously Granted Variance. Any Variance granted pursuant to any zoning ordinance enacted prior to the effective date of this Ordinance shall be construed to be a Variance under this Chapter subject to all conditions imposed thereunder. Such Variance may, however, expire, as provided in Section 26.6.2-8, "Development Agreement," or be modified or revoked as provided in Section 26.6.2-9 Reasonable Accommodations.

Sec. 26.6.3. Conditional Use Permit.

The City Council shall have the authority, subject to the provisions of this Chapter, to grant a Conditional Use Permit whenever it finds the granting of a Conditional Use Permit is consistent with the requirements, intent, and purpose of this Chapter. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations or designed and constructed in a particular manner or under certain conditions. Conditional Use Permits are not automatically terminated upon transfer of the Lot for which they have been granted, but are subject to expiration as set forth in Section 26.6.3-7, "Time Requirements for Use of

Conditional Use Permit" and modification or revocation as set forth in Section 26.6.3-9, "Revocation or Substantial Modification of Conditional Use Permit," and Section 26.6.3-10, "Conditional Use Permit – Minor Modification." If the granting or denial of a Conditional Use Permit is subject to CEQA, and the time periods for any notice, response, or action set forth in Section 26.6.3, "Conditional Use Permit," are inconsistent with the time periods required by CEQA, then the time periods shall be those necessary to comply with CEQA.

Sec. 26.6.3-1. Application and Fee. Application for a Conditional Use Permit shall be made by the property owner or authorized agent to the Department of Public Works, Water, and Development Services, on a form provided for that purpose by the City, and shall be accompanied by a filing fee in an amount established by resolution of the City Council. The City may retain, at the applicant's expense, consultants to study the impacts of the proposed operation on the surrounding properties. Application for a Conditional Use Permit shall consist of a completed Conditional Use Permit Form and the following attachments:

(a) **A plot plan** which shall show the surrounding land uses; the location and dimensions of all Buildings and structures; and the location and dimensions of all off-street parking, loading, and storage facilities. The plot plan shall show areas for proposed Outdoor Storage and Activities, including areas proposed for vehicle washing or maintenance and repair; equipment; outdoor storage; the location and height of all fences, walls, screens, or landscaped areas in relation to the operation of the proposed use; the location and width of ingress and egress points to the Lot; the location and dimensions and turning radii of all parking and loading areas; and proposed truck routes through the City.

(b) **A floor plan** showing:

(1) The proposed location for all interior walls and all major equipment; and

(2) The areas proposed for storage, use, or processing of explosive, toxic, infectious, or hazardous materials (as defined in federal and state laws and regulations), and the facilities and equipment to protect and contain or suppress accidents or fires involving said materials.

(c) **An operations plan** describing in detail each function of the proposed use, the hours of operation, and any impacts to adjoining properties.

(d) **A traffic study** showing the maximum number of vehicles traveling daily to and from the Lot, the approximate times vehicles will enter and exit the Lot, the number of Parking Spaces that will be required, the available maneuvering space, and the normal routes the vehicles would be expected to take to and from the Lot. The Director may request additional information and studies concerning impacts on the level of service of Streets that may be caused by traffic to and from the Lot.

(e) **An environmental checklist** describing potential impacts to the environment and neighboring properties.

Sec. 26.6.3-2. Notice of Public Hearing. Following presentation of a completed application to the Department of Public Works, Water, and Development Services, the City Clerk shall set the matter for public hearing in not less than ten (10) days nor more than sixty (60) days, and shall give notice of the time and place of the hearing and the information concerning the subject matter and purpose of the meeting in the manner described in Section 26.6.2-3, "Notice of Public Hearing."

Sec. 26.6.3-3. Public Hearing, Action of the City Council. If, from the facts presented at the public hearing or by an investigation at the instigation of the City Council, the City Council makes the findings required in Section 26.6.3-4, "Findings and Decisions by Resolution," and finds that such Conditional Use Permit or modification thereof should be granted, the City Council may grant the requested Conditional Use Permit in whole, or in part, and upon such terms and conditions as the City Council may deem proper to preserve the public health, safety, convenience, and general welfare, and the general intent and purpose of this Chapter. The City Council shall make its findings and determinations upon said application within thirty (30) days after the conclusion of any hearing held thereon, unless a waiver of this time requirement is provided by the applicant.

Sec. 26.6.3-4. Findings and Decision by Resolution. The City Council shall announce its findings and decision by written resolution. The resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the granting or denial of the Conditional Use Permit necessary to carry out the provisions and general purpose of this Chapter, and shall order that the Conditional Use Permit be granted or denied. The Conditional Use Permit shall not be granted unless all of the following findings have been made:

(a) The Lot for the proposed use is adequate in size, shape and topography, including any required drainage and landscaping;

(b) The proposed use will not have a material adverse effect on the public;

(c) The proposed use is compatible with the existing authorized uses of surrounding and adjacent properties;

(d) The Lot has adequate off-street parking and loading facilities, and vehicle maneuverability for the proposed use;

(e) The location, operation and design for the proposed use is consistent with the General Plan, any applicable specific plan and the zoning regulations of the City;

(f) The use is consistent with all applicable federal, state, and local laws, rules and regulations;

(g) The proposed use have a significant adverse impact on the general welfare as a result of noise, increased traffic, interference with the flow of traffic, or dust; and

(h) The conditions applied to the permit are necessary to protect the public health, safety, and general welfare.

Sec. 26.6.3-5. Notice of Decision. Not later than ten (10) business days following the rendering of a decision ordering that a Conditional Use Permit be granted or denied, a letter shall be mailed to the

applicant at the address shown on the application filed with the City stating the decision of the City Council.

Sec. 26.6.3-6. Effective Date of Order Granting or Denying a Conditional Use Permit. The order of the City Council in granting or denying a Conditional Use Permit shall become final and effective on the date of the adoption of the resolution.

Sec. 26.6.3-7. Time Requirements for Use of Conditional Use Permit. Any Conditional Use Permit approved by the City Council shall expire and become null and void if:

(a) There is no evidence of substantial use of the rights and privileges granted by the Conditional Use Permit within one (1) year from the date on which the Conditional Use Permit was granted; or

(b) The use for which the Conditional Use Permit was granted has ceased to exist or has been suspended for at least three hundred sixty-five (365) continuous calendar days.

If an application for an extension of the above time requirements is filed prior to the expiration of the applicable time requirement, the City Council may grant one extension of time, not to exceed one year from the time limit specified, without a public hearing. Any additional request for an extension of the time limit shall be treated as a new application for a Conditional Use Permit.

Sec. 26.6.3-8. General Conditions. The City Council shall impose conditions on the Conditional Use Permit to protect the public health, safety, and general welfare. Such conditions may, without limitation, include:

(a) Regulation of use;

(b) Special yards, spaces, and buffers;

(c) Fences and walls;

(d) Surfacing of parking areas subject to City specifications;

(e) Dedication of a portion of the land for a Right-of-way;

(f) Making or paying for related street improvements;

(g) Regulation of points of vehicular ingress and egress;

(h) Regulation of signs;

(i) Requiring Landscaping;

(j) Outdoor Storage and Activities limitations or requirements;

(k) Requiring maintenance of the Landscaping and the grounds;

(l) Requiring adequate parking and loading spaces;

(m) Regulation of noise, vibration, odors, and similar concerns;

(n) Regulation of time for certain activities;

(o) Regulation time period within which the proposed use shall be implemented or used;

(p) Duration of use; and

(q) Such other conditions as will make possible the development of the project in an orderly and efficient manner in conformity with the intent and purposes set forth in this Chapter.

Sec. 26.6.3-9. Revocation or Amendment of Conditional Use Permit.

(a) ***Revocation or Amendment of Conditional Use Permit***. Following receipt of a recommendation from the Director that the Conditional Use Permit be revoked or amended, the City Clerk shall set the matter for public hearing to be held in not less than ten (10) days or more than sixty (60) days from the date of notice, and shall give notice thereof in the manner provided in Section 26.6.2-3, "Notice of Public Hearing." The City Council may by resolution revoke any Conditional Use Permit (or, if a revocation is not justified, the City Council may, instead, amend the Conditional Use Permit) based upon the determination that the use authorized by the Conditional Use Permit has become detrimental to the public health, safety, or general welfare, or the manner of operation constitutes or is creating a nuisance, based on any one of the following findings:

(1) The circumstances under which the Conditional Use Permit was granted have been changed by the applicant to the extent that one or more of the findings contained in the original Conditional Use Permit can no longer be made in a positive manner, and the public health, safety, and general welfare require the revocation or modification;

(2) The Conditional Use Permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement(s) in the application or in the applicant's testimony presented during the public hearing for the Conditional Use Permit;

(3) One or more of the conditions of the Conditional Use Permit are both feasible and have been intentionally unfulfilled or violated; or

(4) The use authorized by the Conditional Use Permit is in violation of any code, law, ordinance, regulation, or statute.

(b) ***Findings***. The City Council shall render written findings setting forth reasons for revoking or modifying the Conditional Use Permit.

(c) ***Notification***. If the Conditional Use Permit is revoked or modified, notification of the City Council action shall be mailed to the owner of the subject Lot by the City

Clerk and shall include a copy of the City Council resolution specifying the reasons for revoking or modifying the Conditional Use Permit.

Sec. 26.6.3-10. Conditional Use Permit – Minor Modification. Whenever a practical difficulty occurs or unforeseen circumstances arise during the course of exercising a Conditional Use Permit issued in accordance with the provisions of this Chapter, and which may necessitate a minor modification of such Conditional Use Permit, a Conditional Use Permit-Minor Modification may be issued for such modification in accordance with the following provisions.

(a) ***Application and Fee.*** Any owner of property for which a Conditional Use Permit has been issued and is currently in effect, and who is desirous of a minor modification thereof, may file with the Director an application for approval of a Conditional Use Permit-Minor Modification, accompanied by a filing fee in an amount established by a resolution of the City Council. The application shall set forth and include any information as the Director may require.

(b) ***Qualifications for Filing.*** Any application filed for a minor modification that also complies with the requirements and findings as set forth in Section 26.6.3-4, "Findings and Decision by Resolution," of this Chapter, but which only involves a minor modification in the site development plan, arrangement of facilities, or activities at the site adequate to accommodate the operation of the use of land operating under a valid Conditional Use Permit, or any of the conditions of permit issuance, and determination thereof has been made at the discretion of the Director, may qualify for a Conditional Use Permit-Minor Modification.

(c) ***Determination, Action of the Director.*** The Director shall have the authority, subject to the provisions of this Chapter, to approve a Conditional Use Permit-Minor Modification without a public hearing; provided, however, that such modification is in fact minor in scope and nature and only involves minor adjustments to retain the integrity of the Conditional Use Permit. The Director shall not approve such minor modification when a Conditional Use Permit has not been issued or is not in effect. A minor modification shall not be issued if it involves the waiver or deletion of any condition of a Conditional Use Permit unless the condition is found to be infeasible or unenforceable due to physical, technological, or practical constraints, as determined by the Director. The Director shall process such application for Conditional Use Permit-Minor Modification in the following manner:

(1) ***Investigations.*** The Director, upon receipt and acceptance of an application, shall make and cause to be made such investigations of the facts bearing upon the application what will assure appropriate disposition thereof.

(2) ***Findings.*** The Director, upon conducting an inspection of the property involved, upon examination and review of the application and investigations, and upon ascertaining all other pertinent facts relative thereto, shall determine whether or not the requirements for qualification have been shown, as hereinabove set forth in Section 26.6.3-4, "Findings and Decision by Resolution," and the application therefore qualifies for a Conditional Use Permit-Minor Modification. The Director shall not grant a modification unless

all of the findings pursuant to Section 26.6.3-4, "Findings and Decision by Resolution," can be made.

(3) ***Option to Refer to City Council***. The Director may elect to refer the application, with or without a recommendation, to the City Council for decision. Upon referral to City Council, all procedures associated with hearing, action, noticing, findings, and decision shall comply with Section 26.6.3, "Revocation or Substantial Modification of Conditional Use Permit."

(4) ***Notice of Decision***. Not later than ten (10) business days following the rendering of a decision ordering that a minor modification be granted or denied, a letter shall be mailed to the applicant at the address shown on the application filed with the City stating the decision of the Director.

(5) ***Effective Date of Order Granting or Denying a Minor Modification.*** The order of the Director in granting or denying a Minor Modification to a Conditional Use Permit shall become final and effective on the date of the signing of the notice of decision.

(6) ***Appeals***. Following the City Clerk's receipt of a written appeal contesting any action or decision of the Director that has been submitted to the City Clerk within thirty (30) days after the date such action or decision was taken by the Director, the City Clerk shall set the appeal for a public hearing. The public hearing shall be held not less than ten (10) days nor more than sixty (60) days from the City Clerk's receipt of the appeal. The City Clerk shall give notice of the time and place of the hearing and the purpose thereof in the manner described in Section 26.6.3-3, "Notice of Public Hearing." The appellant may appear in person before the City Council or be represented by an attorney, and may introduce evidence to support the claim. The appellant shall cause to be made at his or her own expense any investigation or research required by the City to substantiate the appellant's claim.

Sec. 26.6.3-11. Recommend Substantial Modification. If the Director denies a Minor Modification to a Conditional Use Permit or deems the request to be a Substantial Modification to a Conditional Use Permit, then the original Conditional Use Permit still applies and the applicant can apply for a Substantial Modification of a Conditional Use Permit. A Substantial Modification of a conditional use permit shall follow all procedures associated with hearing, action, noticing, findings, and decision in compliance with Section 26.6.3, "Conditional Use Permit," as if it were a new application.

Sec. 26.6.3-12. Existing Uses. Uses existing on the effective date of this Ordinance that were legally permitted prior to the effective date of this Ordinance may continue as Legal Nonconforming Uses subject to the terms of Section 26.5.3, "Legal Nonconforming Status."

Sec. 26.6.3-13. Previously Granted Conditional Use Permit. Any Conditional Use Permit granted pursuant to any zoning ordinance enacted prior to the effective date of this Ordinance shall be construed to be a Conditional Use Permit under this Ordinance subject to all conditions imposed in such Conditional Use Permit, subject to the terms of Section 26.5.3, "Legal Nonconforming Status." Such Conditional Use Permit may, however, expire as provided in Section 26.6.3-7, "Time

Requirements for Use of Conditional Use Permit," or be revoked or modified as provided in Section 26.6.3-9, "Revocation or Substantial Modification of Conditional Use Permit," and/or Section 26.6.3-10, "Conditional Use Permit."

Sec. 26.6.4. Minor Conditional Use Permit.

Sec. 26.6.4-1. Authority and Purpose. The Director shall have the authority, subject to the provisions of the Chapter, to grant a Minor Conditional Use Permit whenever the Director finds the granting of a Minor Conditional Use Permit is consistent with the requirements, intent, and purpose of this Chapter. The purpose of a Minor Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations or designed and constructed in a particular manner or under certain conditions, but are of a scale that would be less impactful than those that may be permitted with a Conditional Use Permit. Minor Conditional Use Permits are not automatically terminated upon transfer of the Lot for which they have been granted, but are subject to expiration as set forth in Section 26.6.4-9, "Time Requirements for Use of Minor Conditional Use Permit," and modification or revocation as set forth in Section 26.6.4-12, "Modification of Minor Conditional Use Permit," and 26.6.4-13, "Revocation of Minor Conditional Use Permit." If the granting or denial of a Minor Conditional Use Permit is subject to CEQA, the time periods for any notice, response, or action shall comply with the time frames established by CEQA, notwithstanding any time periods set forth in this Section 26.6.4, "Minor Conditional Use Permit."

Sec. 26.6.4-2. Minor Conditional Use Permit - Application and Fee. Application for a Minor Conditional Use Permit shall be made by the property owner or authorized agent to the Department of Public Works, Water, and Development Services, on a form provided for that purpose by the City, and shall be accompanied by a filing fee in an amount established by resolution of the City Council. The City may retain, at the applicant's expense, consultants to study the impacts of the proposed operation on the surrounding properties. Application for a Minor Conditional Use Permit shall consist of a completed Minor Conditional Use Permit Form and the following attachments:

(a) **A plot plan** which shall show the surrounding land uses; the location and dimensions of all Buildings and structures; and the location and dimensions of all off-street parking, loading, and storage facilities. The plot plan shall show areas for proposed Outdoor Storage and Activities, including areas proposed for vehicle washing or maintenance and repair; equipment; outdoor storage, if allowed; the location and height of all fences, walls, screens, or landscaped areas in relation to the operation of the proposed use(s); the location and width of ingress and egress points to the Lot; and the location and dimensions and turning radii of all parking and loading areas.

(b) **A floor plan** showing:

(1) The proposed location for all interior walls and all major equipment; and

(2) The areas proposed for storage, use, or processing of explosive, toxic, infectious, or hazardous materials (as defined in federal and state laws and regulations), and the facilities and equipment to protect and contain or suppress accidents or fires involving said materials.

(c) **An operations plan** describing in detail each function of the proposed use(s), the hours of operation, and any impacts to adjoining properties.

(d) **A traffic study**, if required by the Director, showing the maximum number of vehicles traveling daily to and from the Lot, the approximate times vehicles will enter and exit the Lot, the number of Parking Spaces that will be required, the available maneuvering space, and the normal routes the vehicles would be expected to take to and from the Lot. The Director may request additional information and studies concerning impacts on the level of service of Streets that may be caused by traffic to and from the Lot.

(e) **An environmental checklist** describing potential impacts to the environment and neighboring properties.

Sec. 26.6.4-3. Minor Conditional Use Permit - Public Notice. Following presentation of a completed application to the Department of Public Works, Water, and Development Services, the City Clerk shall give notice that a Minor Conditional Use Permit is to be considered. Such notice shall be mailed to all property owners within a three hundred (300) foot radius of the property where the Minor Conditional Use Permit is proposed. The notification shall provide a general explanation of the matter to be considered and a general description, in text or by diagram, of the location of the Lot that is the subject of the decision, and shall provide a comment period of not less than fourteen (14) calendar days.

Sec. 26.6.4-4. Minor Conditional Use Permit - Determination, Action of the Director If, from the facts presented via public comments and by an investigation at the instigation of the Director, the Director makes the findings required in Section 26.6.4-6, "Finding and Decisions," and finds that such Minor Conditional Use Permit or modification thereof should be granted, the Director may grant the requested Minor Conditional Use Permit in whole, or in part, and upon such terms and conditions as the Director may deem proper to preserve the public health, safety, convenience, and general welfare, and the general intent and purpose of this Chapter. The Director shall make his findings and determinations upon said application within thirty (30) days after the application for the Minor Conditional Use Permit is deemed complete and CEQA review has been completed, unless a waiver of this time requirement is provided by the applicant.

Sec. 26.6.4-5. Minor Conditional Use Permit - Option to Refer to City Council. The Director may elect to refer the application, with or without a recommendation, to the City Council for decision. Upon referral to City Council, all procedures associated with hearing, action, noticing, findings, and decision shall comply with Section 26.6.3, "Conditional Use Permit."

Sec. 26.6.4-6. Minor Conditional Use Permit - Findings and Decision. Upon consideration of any comments received, the Director (or the Council on a referral) may approve, conditionally approve, or deny the proposed Minor Conditional Use Permit. The Minor Conditional Use Permit shall not be granted unless all of the following findings have been made:

(a) The Lot is adequate in size, shape and topography for the proposed use;

(b) The proposed use will not have a material adverse effect on the public;

(c) The proposed use is compatible with the existing authorized uses of surrounding and adjacent properties;

(d) The Lot has adequate off-street parking, loading facilities, and vehicle maneuverability for the proposed use;

(e) The use, as to location, operation and design, is consistent with the General Plan, any applicable specific plan, and the zoning regulations of the City of Vernon, including the City's policy considerations as to acceptable uses in the City;

(f) The use is consistent with all applicable County, State, and federal laws, rules and regulations;

(g) The proposed use will not adversely affect the general welfare as a result of noise, increased traffic, interference with the flow of traffic, dust, or other undesirable characteristics; and

(h) The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

Sec. 26.6.4-7. Notice of Decision. Not later than ten (10) business days following the rendering of a decision ordering that a Minor Conditional Use Permit be granted or denied, a letter shall be mailed to the applicant at the address shown on the application filed with the City stating the decision of the Director.

Sec. 26.6.4-8. Effective Date of Order Granting or Denying a Minor Conditional Use Permit. The order of the Director in granting or denying a Minor Conditional Use Permit shall become final and effective on the date of the signing of the notice of decision.

Sec. 26.6.4-9. Time Requirements for Use of Minor Conditional Use Permit. Any Minor Conditional Use Permit approved by the Director shall expire and become null and void if:

(a) There is not evidence of substantial use of the rights and privileges granted by the Minor Conditional Use Permit within one (1) year from the date on which the Minor Conditional Use Permit was granted; or

(b) The use for which the Minor Conditional Use Permit was granted has ceased to exist or has been suspended for at least one (1) year.

If an application for an extension of the above time requirements is filed prior to the expiration of the applicable time requirement, the Director may grant one extension of time, not to exceed one year from the time limit specified. Any additional request for an extension of the time limit shall be treated as a new application for a Minor Conditional Use Permit.

Sec. 26.6.4-10. General Conditions. The Director shall impose conditions on the Minor Conditional Use Permit to protect the public health, safety, and general welfare. Such conditions may, without limitation, include:

(a) Regulation of use;

(b) Special yards, spaces, and buffers;

(c) Fences and walls;

(d) Surfacing of parking areas subject to City specifications;

(e) Dedication of a portion of the land for a Right-of-way;

(f) Making or paying for related street improvements;

(g) Regulation of points of vehicular ingress and egress;

(h) Regulation of signs;

(i) Requiring Landscaping;

(j) Outdoor Storage and Activities limitations or requirements;

(k) Requiring maintenance of the Landscaping and the grounds;

(l) Requiring adequate parking and loading spaces;

(m) Regulation of noise, vibration, odors, and similar concerns;

(n) Regulation of time for certain activities;

(o) Regulation time period within which the proposed use shall be implemented or used;

(p) Duration of use; and

(q) Such other conditions as will make possible the development of the project in an orderly and efficient manner in conformity with the intent and purposes set forth in this Chapter.

Sec. 26.6.4-11. Appeals. Following the City Clerk's receipt of a written appeal contesting any action or decision of the Director that has been submitted to the City Clerk within thirty (30) days after the date such action or decision was taken by the Director, the City Clerk shall set the appeal for a public hearing. The public hearing shall be held not less than ten (10) days nor more than sixty (60) days from the City Clerk's receipt of the appeal. The City Clerk shall give notice of the time and place of the hearing and the purpose thereof in the manner described in Section 26.6.2-3, "Notice of Public Hearing." The appellant may appear in person before the City Council or be represented by an attorney, and may introduce evidence to support the claim. The appellant shall cause to be made at his or her own expense any investigation or research required by the City to substantiate the appellant's claim.

Sec. 26.6.4-12. Modification of Minor Conditional Use Permit. The Director shall have the authority to, upon a filed request of the grantee of the Minor Conditional Use Permit, consider modifications to an approved Minor Conditional Use Permit. The Director shall approve, deny, or approve with additional conditions an application for modification of a Minor Conditional Use Permit based on the following written findings:

(1) The modification is in compliance with all applicable requirements of the Zoning Ordinance;

(2) The modification will achieve the same or improved relief from the impact or impacts the original condition(s) was designed to achieve;

(3) The modification will not result in any foreseeable new environmental impacts; and

(4) The modification complies with all applicable City, County, state, and federal laws and regulations.

Sec. 26.6.4-13. Revocation or Amendment of a Minor Conditional Use Permit.

(a) ***Revocation or Amendment of a Minor Conditional Use Permit***. Following receipt of a recommendation from the Director that a Minor Conditional Use Permit be revoked, the City Clerk shall set the matter for public hearing to be held in not less than ten (10) days or more than sixty (60) days from the date of notice, and shall give notice thereof in the manner provided in Section 26.6.2-3, "Notice of Public Hearing." The City Council may by resolution revoke any Minor Conditional Use Permit (or, if a revocation is not justified, the City Council may, instead, amend the Minor Conditional Use Permit) based upon the determination that the use authorized by the Minor Conditional Use Permit has become detrimental to the public health, safety, or general welfare, or the manner of operation constitutes or is creating a nuisance, based on any one of the following findings:

(1) The circumstances under which the Minor Conditional Use Permit was granted have been changed by the applicant to the extent that one or more of the findings contained in the original Minor Conditional Use Permit can no longer be made in a positive manner, and the public health, safety, and general welfare require the revocation or modification;

(2) The Minor Conditional Use Permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement(s) in the application or in the applicant's testimony presented during the public hearing for the Minor Conditional Use Permit;

(3) One or more of the conditions of the Minor Conditional Use Permit are both feasible and have been intentionally unfulfilled or violated; or

(4) The use authorized by the Minor Conditional Use Permit is in violation of any code, law, ordinance, regulation, or statute.

(b) ***Findings***. The City Council shall render written findings setting forth reasons for revoking or modifying the Minor Conditional Use Permit.

(c) ***Notification***. If the Minor Conditional Use Permit is revoked or modified by the City Council, notification of the City Council action shall be mailed to the owner of the

subject Lot by the City Clerk and shall include a copy of the City Council resolution specifying the reasons for revoking or modifying the Minor Conditional Use Permit.

Sec. 26.6.5. Temporary Use Permits.

Sec. 26.6.5-1. Authority and Purpose. This section is intended to grant the Director and the City Council the authority, subject to the provisions of this Chapter, to temporarily authorize upon property not owned or controlled by the city, short-term, activities that are not already authorized upon that property, and which short-term activities would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

Sec. 26.6.5-2. Application and Fee. Application for a Temporary Use Permit shall be made by the pr***o***perty owner or authorized agent to the Department of Public Works, Water, and Development Services, on a form provided for that purpose by the City, and shall be accompanied by a filing fee in an amount established by resolution of the City Council. The application shall also be reviewed by the Police, Fire and Health Departments to ensure the operation of the Temporary Use plans and maintains adequate traffic control, security, safety provisions and any other applicable requirements.

Sec. 26.6.5-3. Applicability. The provisions established in this Section, "Temporary Use Permits." shall only apply to proposed temporary activities on property not owned or controlled by the City ("Non-City Property"). Proposed temporary used by non-City parties of City owned or controlled property ("City Property") may be authorized via issuance of a special events permit. For proposed temporary land uses on Non-City property, the following two categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

(a) ***Exempt Temporary Uses***. The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined in this Subsection shall comply with Section 26.6.5-3(b), "Allowed Temporary Uses and Major Events" or shall not be permitted.

(1) **Construction Sites – On-Site.** On-site contractors' construction/storage uses, in conjunction with an approved construction project on the same parcel. The construction and/or storage use shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

(2) **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Director.

(3) **First Amendment Protected Activity.** Any spontaneous activity or event determined to have clearly identified First Amendment protections, whereby the time provisions established in this Section for acquiring a Temporary Use Permit would, in the opinion of the Director, unreasonably interfere with the ability of the activity or event to occur.

(4) **Special Event Permitted Activities –U**ses that are permitted in accordance with Section 26.6.5-11.

(b) ***Allowed Temporary Uses and Major Events.*** Non-exempt temporary uses, including special events, shall be subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Section 26.6.5-9, "General Conditions," below.

(1) **Contractors' Construction Sites – Off-Site.** The temporary use of a site for an off-site contractor's construction, staging, or storage area(s) for a construction project within the City. The permit may be effective for up to 180 days and extended in 180-day increments, with Director approval, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

(2) **Major Events.** Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, food markets/events, outdoor entertainment/sporting events, and rodeos limited to s nine (9) consecutive days or fewer, or three (3) two(2)-day weekends, within a twelve (12)-month period. If an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.

(3) **Outdoor display or sale events** conducted by a business holding a valid Business License, issued in compliance with Municipal Code Section 5.1, "Definitions," *et seq.*, and a retail sellers permit issued by the State of California for product not normally stored or produced on site may be allowed a maximum of six (6) outdoor sale events (excluding City-sponsored activities). For purposes of this Subsection, an outdoor sale event shall be no longer than seven (7) consecutive days in duration. If an annual plan is submitted to and approved by the Director, the frequency and duration of these outdoor display and sale events may be extended.

(4) **Seasonal sales** (for example, Halloween pumpkin sales and Christmas tree sale lots), issued in compliance with Municipal Code Section 5.3 License required; application for license, and limited to thirty (30) consecutive days or less.

(5) **Other Similar Temporary Uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

Sec. 26.6.5-4. Determination, Action of the Director. A public hearing shall not be required for the Director's decision on a Temporary Use Permit application. However, the Director shall have the authority to require noticing of surrounding property owners and tenants if, in the Director's opinion, the proposed Temporary Use has the potential to create adverse impacts on surrounding properties and uses.

If, from the facts presented via comments or by an investigation at the instigation of the Director, the Director makes the findings required in Section 26.6.5-6, "Findings and Decisions," and finds that such Temporary Use Permit or modification thereof should be granted, the Director may grant the requested Temporary Use Permit in whole, or in part, and upon such terms and conditions as the

Director may deem proper to preserve the public health, safety, convenience, and general welfare, and the general intent and purpose of this Chapter. The Director shall make findings and determinations upon said application within thirty (30) days after the application for the Temporary Use Permit is deemed complete, unless a waiver of this time requirement is provided by the applicant.

Sec. 26.6.5-5. Option to Refer to City Council. The Director may elect to refer the application, with or without a recommendation, to the City Council for decision. Upon referral to City Council, all procedures associated with hearing, action, and noticing shall comply with Section 26.6.3, "Conditional Use Permit."

Sec. 26.6.5-6. Findings and Decision. The Director (or the Council on a referral) may approve, conditionally approve, or deny a Temporary Use Permit application. The Temporary Use Permit shall not be granted unless all of the following findings have been made:

(a) The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;

(b) The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;

(c) The proposed parcel is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;

(d) The proposed use and authorized operators will comply with all applicable laws, including fire and life safety requirements and maximum occupancy requirements.

(e) The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;

(f) Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site, on-street or at alternate locations acceptable to the Director; and

(g) The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Temporary Use Permit.

Sec. 26.6.5-7. Notice of Decision. Not later than ten (10) business days following the rendering of a decision ordering that a Temporary Use Permit be granted or denied, a letter shall be mailed to the applicant at the address shown on the application filed with the City stating the decision of the Director.

Sec. 26.6.5-8. Effective Date of Order Granting or Denying a Temporary Use Permit. The order of the Director to grant or deny a Temporary Use Permit shall become final and effective on the date of the signing of the notice of decision.

Sec. 26.6.5-9. General Conditions. In approving a Temporary Use Permit application, the Director (or the Council on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 26.6.5-6, "Findings and Decisions," above. Such conditions may, without limitation, include:

(a) Fixed period of time;

(b) Operating hours and days;

(c) Temporary pedestrian and vehicular circulation;

(d) Regulation of nuisance factors;

(e) Regulation of temporary structures;

(f) Litter, sanitary, and medical facilities;

(g) Waste collection, recycling, and/or disposal;

(h) Police/security and safety measures;

(i) Signs;

(j) Performance bond or other security;

(k) Limitations on alcoholic beverage sales;

(l) Compliance with applicable provisions; and

(m) Such other conditions as will make possible the temporary use in an orderly and efficient manner in conformity with the intent and purposes set forth in this Chapter.

Sec. 26.6.5-10. Condition of Site Following Temporary Use. Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with this Zoning Ordinance.

Sec. 26.6.5-11. Special Event Permit. Temporary uses that are considered minor in nature by virtue of having minimal impact to surrounding properties may be issued a Special Event Permit by the Vernon Fire Department. Such events meeting these qualifications may include but are not limited to indoor or outdoor sales event of product normally stored or produced onsite, outdoor or indoor meeting, ground breaking ceremony, holiday or special occasion party, or similar event. Such events generally are of a duration no longer than two days. If, in the opinion of the Fire Chief, the Fire Chief determines the event is beyond the scope of a Special Event Permit, the application shall be denied and instead the applicant shall be required to apply for a Temporary Use Permit.

In approving a Special Event Permit application, the Fire Chief may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required of a Temporary Use Permit by Section 26.6.5-6, "Findings and Decisions," above. Such conditions may, without limitation, include:

(a) Fixed period of time;

(b) Operating hours and days;

(c) Temporary pedestrian and vehicular circulation;

(d) Regulation of nuisance factors;

(e) Regulation of temporary structures;

(f) Litter, sanitary, and medical facilities;

(g) Waste collection, recycling, and/or disposal;

(h) Police/security and safety measures;

(i) Signs;

(j) Performance bond or other security;

(k) Limitations on alcoholic beverage sales;

(l) Compliance with applicable provisions; and

Sec. 26.6.5-12. Such other conditions as will make possible the temporary use in an orderly and efficient manner in conformity with the intent and purposes set forth in this Chapter

Sec. 26.6.6. Zoning Ordinance or Text Amendment.

Sec. 26.6.6-1. Purpose. Whenever public necessity, convenience and general welfare require, the boundaries of the Zone and the Overlay Zones established by this Chapter, the classification of property uses therein, or other provisions of this Chapter may be amended as follows:

(a) By amending the Zoning Map, or

(b) By revising the text of the Ordinance.

Sec. 26.6.6-2. Amendments. Amendments of this Chapter and the Zoning Map which is a part hereof, may be adopted as follows:

(a) An Amendment may be initiated by the verified application of the owner or owners of property which is proposed to be changed or reclassified, whenever an Amendment, supplement to, or change in the regulations prescribed for the property is desired; or

(b) The City Council may introduce and adopt an ordinance as provided in the City charter.

Sec. 26.6.6-3. Notice of Public Hearing. Within sixty (60) days after (a) receipt of a completed application by the owner or owners of property or (b) introduction of an ordinance by the City Council, as the case may be, the City Clerk shall set the matter for public hearing to be held not less

than ten (10) days and not more than sixty (60) days from the date of notice of the public hearing, with such notice being given in the manner provided in Government Code Section 65091. If the granting or denial of an Amendment is subject to CEQA, the time periods for any notice, response, or action shall comply with the time frames established by CEQA, notwithstanding any time periods set forth in this Section 26.6.3, "Notice of Public Hearing."

Sec. 26.6.6-4. City Council to Announce Decision After the Public Hearing. The City Council shall announce its decision and if the Amendment is approved, shall adopt an ordinance incorporating the decision. The ordinance shall recite the facts and reasons which, in the opinion of the City Council, make the approval of the application for the Amendment necessary to carry out the general purpose of this Chapter.

Sec. 26.6.6-5. Notice of Ordinance. At the time the ordinance becomes effective, one copy of such ordinance shall be forwarded to the applicant at the address shown upon the application.

Sec. 26.6.6-6. Zoning Map Modification. If the Amendment involves an amendment to the Zoning Map, the Department of Public Works, Water, and Development Services, immediately following the effective date of the ordinance, shall cause the Zoning Map to be so modified. Copies of the modified Zoning Map shall be available to the public on request.

Sec. 26.6.7. Interpretations, Minor Exceptions, and Appeals.

Sec. 26.6.7-1. Interpretations. The Director shall have the power to interpret the provisions of the Zoning Ordinance when any ambiguity or lack of clarity exists and to make determinations as to whether a proposed use is substantially similar to a Permitted Use and is therefore permitted of right or through obtaining a Conditional Use Permit or Minor Conditional Use Permit, or whether a proposed use is a First Amendment Protected Use and is therefore permitted as such, pursuant to this Chapter.

Sec. 26.6.7-2. Record of Interpretations. The Director shall keep a written record of interpretations made on file in the Department of Public Works, Water, and Development Services. Such record shall briefly describe the interpretation made and the date of the interpretation. The record shall be available for public review during the normal business hours of the Department of Public Works, Water, and Development Services.

Sec. 26.6.7-3. Exceptions. The Director shall have the authority to make minor exceptions or adjustments to the standards contained in this Ordinance. The Exception shall not be granted unless such exceptions are necessary to ensure an equitable and reasonable application of the Chapter. Exceptions shall not result in the reduction of any standard by an amount greater than ten percent (10%). Any deviation from a standard which exceeds ten percent (10%) shall be made only in accord with Section 26.6.2, "Variances," of this Chapter.

Sec. 26.6.7-4. Record of Exceptions. Any exception made by the Director in accord with the provisions of this Section shall be duly recorded in concise language and with accompanying drawings as required. The record shall be filed in the Department of Public Works, Water, and Development Services by property location using a street address or other reasonable system to permit reference to the exception made at any future date.

Sec. 26.6.7-5. Appeals. Following the City Clerk's receipt of a written appeal contesting any action or decision of the Director that has been submitted to the City Clerk within thirty (30) days after the date such action or decision was taken by the Director, the City Clerk shall set the appeal for a public hearing. The public hearing shall be held not less than ten (10) days nor more than sixty (60) days from the City Clerk's receipt of the appeal. The City Clerk shall give notice of the time and place of the hearing and the purpose thereof in the manner described in Section 26.6.2-3, "Notice of Public Hearing." The appellant may appear in person before the City Council or be represented by an attorney, and may introduce evidence to support the claim. The appellant shall cause to be made at his or her own expense any investigation or research required by the City to substantiate the appellant's claim.

Sec. 26.6.8. Development Agreement.

Sec. 26.6.8-1. Applicability. Development Agreements are authorized by California Government Code Section 65864 as a means of providing both the city and property owners with assurances that development projects can be completed under the terms, conditions, and regulations in effect at the time that authority is granted to proceed with a project.

Sec. 26.6.8-2. Contents of Agreement. A Development Agreement shall specify the duration of the agreement. The Development Agreement shall specify the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed Buildings, and provisions for reservation or dedication of land for public purposes, if any reservation or dedication is required by the City of Vernon. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary action shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement. The Development Agreement may provide that construction be commenced within a specified time, that the project be completed within a specified time, and/or may provide for construction to be accomplished in phases. The Development Agreement may contain such other provisions as may be considered necessary or proper by the City Council to further legitimate City interest or to protect the public health, safety, and welfare so long as such terms are not inconsistent with the provisions of State law relating to Development Agreements, nor inconsistent with the ordinances, policies, plans, or resolutions of the City of Vernon.

Sec. 26.6.8-3. Findings. In acting to grant a Development Agreement, the City Council shall make the following findings with regard to the proposed Development Agreement:

(a) The Development Agreement is consistent with the General Plan objectives, policies, land uses, and implementation programs and any other adopted plans or policies applicable to the agreement.

(b) The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

(c) The Development Agreement will promote the public convenience, health, interest, safety, and general welfare of the City and will not be detrimental to or cause adverse effects to adjacent property owners, residents, or the general public;

(d) The associated project will further important citywide goals and policies that have been officially recognized by the Council; and

(e) The Development Agreement is consistent with the provisions of California Government Code Sections 65864 through 65869.5.

Sec. 26.6.8-4. Denial of Development Agreement. The City Council, in its sole discretion, may decide not to enter into the Development Agreement on the grounds that, in its opinion, the proposed Agreement is not in the best interest of the public.

Sec. 26.6.8-5. Public Hearings and Adoption. A public hearing shall be held on the proposed Development Agreement by the City Council. Notice of the public hearings specified in this Chapter shall be given in the form of a notice of intention to consider approval of a Development Agreement in compliance with Government Code Section 65867 and in the manner described in Section 26.6.2-3, "Notice of Public Hearing." Development Agreements shall be adopted by ordinance of the City Council, which constitutes final action and approval of the agreement. After the effective date of the ordinance approving the Development Agreement, the City may enter into the agreement.

Sec. 26.6.8-6. Recordation. A Development Agreement shall be recorded in the County Recorder's Office no later than ten (10) days after it is executed and a confirming copy of the recorded document shall be sent to the City.

Sec. 26.6.8-7. Amendment and Cancellation of Development Agreements. Unless otherwise provided in a Development Agreement, either party may propose an amendment to or cancellation, in whole or in part, of a Development Agreement previously entered into. The procedure for proposing and adoption of an amendment to or cancellation, in whole or in part, of a Development Agreement shall be the same as the procedure for entering into an Agreement in the first instance, including but not limited to the notice of and the public hearings as specified in this Chapter. In the event that a Development Agreement is canceled or terminated, all rights of the private party under the Development Agreement shall terminate. Except as otherwise provided in the Development Agreement, the City may, at its sole discretion, retain any and all benefits, including reservation or dedications of land, improvements constructed, and payments of fees, received by the City.

Sec. 26.6.8-8. Review of Development Agreement. Every Development Agreement approved and executed in compliance with this Chapter shall be subject to City review, as specified in the Development Agreement, during the full term of the agreement, but in no case less than every twelve (12) months from the date of execution of the Agreement. The time for review may be amended either by agreement between the parties or by initiation of the City Council.

Sec. 26.6.9. Reasonable Accommodation.

Sec. 26.6.9-1. Applicability. A request for Reasonable Accommodation may be made by any person with a disability, or their representative, when the application of a zoning, land use or building regulation, policy or practice acts as a barrier to equal housing opportunities. If a Reasonable Accommodation request is approved, the request shall be granted to an individual and shall not run with the land unless the Director determines that:

(a) The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with applicable codes; or

(b) The accommodation is to be used by another disabled person.

Sec. 26.6.9-2. Proceedings. A request for Reasonable Accommodation shall state the basis of the request including, but not limited to, a modification or exception to the regulations, standards and practices for the development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a disabled person equal opportunity to housing of his or her choice. The Director may request additional information necessary for making a determination on the request for Reasonable Accommodation that complies with the fair housing law protections and the privacy rights of the disabled person to use the specified housing.

Sec. 26.6.9-3. Findings. The following findings must be analyzed, made, and adopted before any action is taken to approve or deny a request for Reasonable Accommodation:

(a) The housing that is subject to the request will be used by an individual with a disability, as defined under Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act;

(b) The request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability;

(c) The requested Reasonable Accommodation would not impose an undue financial or administrative burden on the City;

(d) The requested Reasonable Accommodation would not require a fundamental alteration in the nature of a City program or law, including, but not limited to, land use and zoning; and

(e) There are no other alternative Reasonable Accommodations that may provide an equivalent level of benefit at a similar cost while providing greater consistency with the City's laws and regulations.

Sec. 26.6.9-4. Record of Reasonable Accommodation. The authorized signature of the Director or the City Council if the request was appealed, on a designated form, or a stamp approval on a set of plans, shall signify approval of a Reasonable Accommodation request.

Sec. 26.6.10. Density Bonuses.

Sec. 26.6.10-1. Compliance with State Law. The City hereby adopts by reference Government Code Sections 65915-65918 *et seq.* regarding density bonuses and other incentives for accommodating the development of housing for households of specified income or for senior citizens, as set forth in the statute.

Article VII. Zoning Regulations for Adult or Sexually Oriented Businesses.

Sec. 26.7.1. Purpose.

It is the intent of this Article to prevent adverse economic impact to the businesses and residents of the City, and to take steps to minimize potential increased crime, increased incidence of communicable disease, decreased property values, and the deterioration of neighborhoods which can be brought about by the increase in the number of Adult or Sexually Oriented Businesses, or their location in close proximity to each other, or their proximity to other uses that are not compatible with Adult or Sexually Oriented Businesses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult or Sexually Oriented Businesses causes a depreciation in property values, an increase in the number of transients in the area, an increase in crime, an increase in noise, litter, and vandalism, and in addition to the effects described above, can cause other businesses to move elsewhere. It is, therefore, the purpose of this Article to establish reasonable and uniform regulations to prevent any increase in the number of, and any further concentration of Adult or Sexually Oriented Businesses, or their close proximity to incompatible uses, while permitting the existence of existing Adult or Sexually Oriented Businesses in certain limited areas. The requirements and regulations set forth in this Article VII Zoning Regulations for Adult or Sexually Oriented Businesses are in addition to the requirements set forth in Article VI Business Permit Regulations for Adult or Sexually Oriented Businesses or Similar Businesses of Chapter 5 Business License Taxes and Other City Taxes of the Code which set forth requirements for obtaining a business license.

Sec. 26.7.2. Definitions.

As used herein, the terms and phrases shall have the same meaning as defined in Chapter 5 Business License Taxes and Other City Taxes, Article VI Business Permit Regulations for Adult or Sexually Oriented Businesses or Similar Businesses, Section 5.81, "Definitions," *et seq.* of this Code.

Sec. 26.7.3. Location Requirements.

Sec. 26.7.3-1. Zone. Adult or Sexually Oriented Businesses shall be permitted only in the C-2 Overlay Zone.

Sec. 26.7.3-2. Required Distances. No Adult or Sexually Oriented Business shall be opened as a new business, converted from an existing business, established, located, expanded, or operated within certain distances of certain specified land uses as set forth below:

(a) No Adult or Sexually Oriented Business shall be established on a Lot located within one thousand (1,000) feet of any other Lot containing an Adult or Sexually Oriented Business, whether such other Lot is located inside or outside the City limits. The required minimum distance between any two Adult or Sexually Oriented Businesses shall be measured along the Street, whether public or private, from the nearest side or rear Lot lines of the Lots upon which such uses are located.

(b) No person shall cause or permit the establishment or maintenance of more than one Adult or Sexually Oriented Business on the same Property.

(c) No such business shall be established or located within one thousand (1,000) feet of any Residence, public park, recreational area, public building, Religious Use, school, boys' club, girls' club, or similar existing youth organization, Bar, pool hall, or liquor store, whether such other use is located inside or outside the City limits. The required minimum distance between an Adult or Sexually Oriented Business and such other specified uses shall be measured along the Street, whether public or private, from the nearest side or rear Lot lines, of the Lots upon which such uses are located.

Article VIII. Zoning Regulations for Massage Businesses.

Sec. 26.8.1. Purpose.

It is the intent of this Article to prevent the proliferation of massage businesses, such that the public health and welfare are preserved and promoted.

Sec. 26.8.2. Definitions.

As used herein, the terms and phrases shall have the same meaning as defined in Chapter 5 Business License Taxes and Other City Taxes, Article VII, Business Permit Regulations for Massage Businesses, Section 5.107.01, "Definitions, " et seq.: provided, however, that for purposes of zoning, massage businesses shall be deemed a "commercial or retail use." In addition, as used herein, the terms and phrases shall have the same meaning as defined in Chapter 5 Business License Taxes and Other City Taxes, Article VI Business Permit Regulations for Adult or Sexually Oriented Businesses or Similar Businesses, Section 5.81, "Definitions," et seq. of this Code.

Sec. 26.8.3. Location Requirements.

Sec. 26.8.3-1. Zone. Massage business shall be permitted in the C-2 Overlay Zone.

Sec. 26.8.3-2. Required Distance. No massage business shall be opened as a new business, converted from an existing business, established, located, expanded, or operated within certain distances of certain specified land uses as set forth below:

(a) No massage business shall be established on a Lot located within seven hundred fifty (750) feet of any other Lot containing another massage business or an Adult or Sexually Oriented Business, whether such other Lot is located inside or outside the City limits. The required minimum distance between any two massage businesses or between a massage business and an Adult or Sexually Oriented Business shall be measured along the Street, whether public or private, from the nearest side or rear Lot lines of the Lots upon which such uses are located.

(b) No person shall cause or permit the establishment or maintenance of more than one massage business or a massage business and an Adult or Sexually Oriented Business on the same Property.

(c) No such business shall be established or located within seven hundred fifty (750) feet of any Residence, public park, recreational area, public building, Religious Use, school, boys' club, girls' club, or similar existing youth organization, Bar, pool hall, or liquor store, whether such other use is located inside or outside the City limits. The required minimum distance between a massage business and such other specified uses shall be measured along the Street, whether public or private, from the nearest side or rear Lot lines, of the Lots upon which such uses are located.

Article IX. Zoning Regulations for Off-Site Outdoor Advertising Structures.

Sec. 26.9.1. Application of Article.

This Article shall apply to all commercial Outdoor Advertising Structures within the City that are not located on the same Lot as the goods or services being advertised. This Article does not apply to on-site or noncommercial Outdoor Advertising Structures. All legally established off-site commercial Outdoor Advertising Structures existing on the effective date of this Ordinance that are not in compliance with the requirements of this Article are Legal Nonconforming Uses.

Sec. 26.9.2. Development Agreement Required.

The installation, construction, modification, or replacement of any Outdoor Advertising Structure is permitted in the I Zone and all Overlay Zones, with the exception of the Housing Overlay Zone, subject to the approval of a Development Agreement between the City and applicant, with appropriate standards and terms to be negotiated with the City, and complying with all other conditions imposed by this Article.

Sec. 26.9.3. General Conditions.

Sec. 26.9.3-1. Sign Dimensions.

a) The sign face of an Outdoor Advertising Structure shall not exceed eight hundred fifty (850) square feet in area, including the border and trim, but excluding the base or apron supports and other structural members.

b) Cutouts and other special advertising features or additions to a sign face shall not project more than five (5) feet above the maximum height limit.

c) Bi-directional or double-faced signs shall be located on the same Outdoor Advertising Structure. For parallel double-faced signs, the distance between sign faces shall not exceed eight (8) feet. For "V-shaped" double-faced signs, the distance between sign faces shall not exceed thirty-five (35) feet at their widest point and shall not exceed eight (8) feet at their closest point.

Sec. 26.9.3-2. Structure Design and Materials. Each Outdoor Advertising Structure shall have no more than two poles, and shall be constructed of noncombustible material.

Sec. 26.9.3-3. Maximum Height. The overall height of each Outdoor Advertising Structure shall not exceed thirty-five (35) feet, exclusive of cutouts or special additions, measured from the higher of either:

a) The finished grade of the roadway adjacent to the Lot on which the Outdoor Advertising Structure is located and from which the advertising display is to be viewed, or

b) The finished grade of the base of the Outdoor Advertising Structure.

Sec. 26.9.3-4. Location. The location of the Outdoor Advertising Structures shall be restricted as follows:

(a) An Outdoor Advertising Structure shall not be located within any required setback area of the Zone or Overlay Zone in which the Outdoor Advertising Structure is located.

(b) Outdoor Advertising Structures shall not be located within five (5) feet of any Building or within ten (10) feet of any Lot line.

(c) Outdoor Advertising Structures with Digital or Static Displays that are located within two hundred (200) feet of the edge of the Right-of-way of the I-710 freeway and are designed to be primarily view from the I-710 freeway are subject to the following standards:

(1) An Outdoor Advertising Structure with a Digital Display that is located within two hundred (200) feet of the edge of the Right-of-way of the I-710 freeway and designed primarily to be viewed from the I-710 freeway shall not be located within five hundred (500) feet of another Outdoor Advertising Structure with a Static Display located on the same side of the freeway or within one thousand (1,000) feet of another Outdoor Advertising Structure with a Digital Display located on the same side of the freeway and designed to be oriented toward the freeway; and

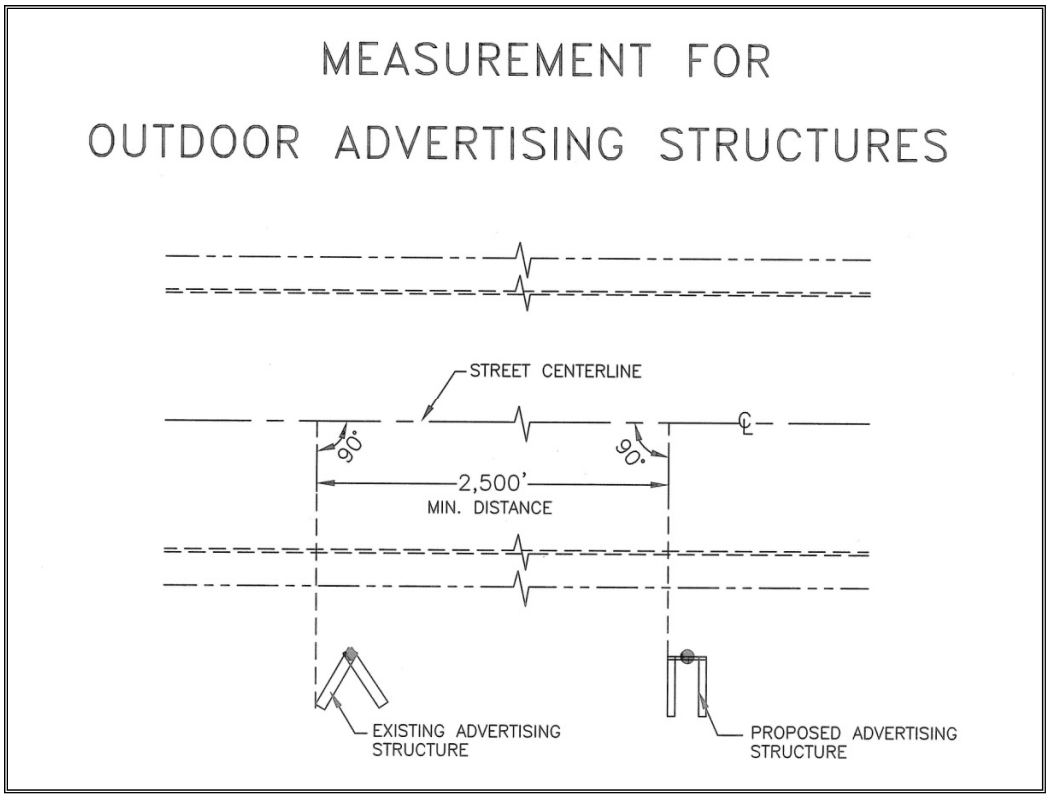
(2) An Outdoor Advertising Structure with a Static Display that is located within two hundred (200) feet of the edge of the Right-of-way of the I-710 freeway and designed primarily to be viewed from the I-710 freeway shall not be located within five hundred (500) feet of any another Outdoor Advertising Structure located on the same side of the freeway and designed to be oriented toward the freeway.

(d) Outdoor Advertising Structures constructed after the effective date of this Ordinance and not oriented towards the I-710 freeway shall not be located within two thousand five hundred (2,500) feet of another Outdoor Advertising Structure.

(e) Outdoor Advertising Structures existing on the effective date of this Ordinance may not be replaced unless they are in conformity with the dimension, height, and location requirements specified herein.

(f) For purposes of this Article, measurements shall be made along the edge of the Street from which the display on the Outdoor Advertising Structure is designed to be primarily viewed, from a line perpendicular to the centerline of that Street passing through the nearest edge of the existing sign, to a line perpendicular to the centerline passing through the nearest edge of the proposed Outdoor Advertising Structure, as shown in Diagram 26.9.3-4 Measurement for Outdoor Advertising Structures.

DIAGRAM 26.9.3-4



Sec. 26.9.3-5. Prohibited Outdoor Advertising Structures. The following types of signs shall not be permitted:

(a) Any form of movement, animation, or the appearance of an optical illusion of movement, oscillating or rotating sign, or any other design intended to attract attention through movement or the semblance of movement of the whole or any part of the sign or any other method or device that suggests movement, except such movement of a permitted Digital Display associated with changing from one message to another; or

(b) Inflatable objects; or

(c) Flashing signs, containing illuminated light or other devices which are intermittently on and off, which change in intensity, or which create the illusion of flashing in any manner; or

(d) Obscene or pornographic signs.

Sec. 26.9.3-6. Safety and Appearance.

(a) No Outdoor Advertising Structure, including its supporting structure and lighting, shall present any hazard to the safety of pedestrian or vehicular traffic by obstructing

the flow of such traffic, obstructing the sight lines required for the safe movement of pedestrian or vehicular traffic, interfering with the visibility and effectiveness of any traffic control or warning device, or in any other manner as determined by the Director.

(b) All signs shall be designed and maintained to be compatible with the design and materials used in the structure on which the sign is located.

(c) No sign face or sign area shall be added to an existing sign unless within a permanent frame or panel indicated for such purpose on approved plans for the total sign structure.

(d) All signs shall be maintained in good condition and working order, as determined by the Director, and free of graffiti, peeling paint, faded colors, and broken and damaged materials.

(e) All signs must have the sign owner's name, address and telephone number conspicuously and permanently attached on the exterior of the sign.

(f) The images on Digital Displays shall not change more than once every eight (8) seconds. The images shall change instantaneously, with no special effects or video. The brightness of the sign shall be such that the difference of ambient light measurement and the operating sign light turned on to full white copy shall be no greater than 0.3 foot-candles when measured from a distance as determined in the Development Agreement.

Sec. 26.9.3-7. Political Signs. Political signs are permitted in the I Zone and all Overlay Zones as follows:

(a) All of the terms of this Article IX apply to political signs, except that signs pertaining to a particular election do not require a Conditional Use Permit.

(b) All political signs pertaining to a particular election shall be removed within ten (10) days after the date of the election.

(c) The candidate, committee, or any other authorized Person posting political signs shall ensure that all signs include the name, address, and the required committee identification number of the campaign or political organization, if any.

(d) If the Director finds that any political sign has been posted or is being maintained in violation of the provisions of this Section, the Director may cause said sign to be removed without prior notice.

(e) Any political sign that remains posted for more than fourteen (14) days after the election to which it pertains shall be deemed abandoned.

Sec. 26.9.3-8. Continuation of Nonconforming Signs. Every nonconforming Outdoor Advertising Structure may remain in use unless and until it has been deemed to be abandoned, as described in this Section 26.9.3-8, "Continuation of Nonconforming Signs." For purposes of this

Chapter, an Outdoor Advertising Structure shall be deemed to have been abandoned if no copy appears on the sign for a period of at least one hundred and eighty (180) consecutive calendar days, or it is otherwise relatively clear that the sign has been forsaken or deserted; provided, however, that political signs shall be deemed abandoned as set forth in Section 26.9.3-7(e).

Sec. 26.9.3-9. Abandoned Outdoor Advertising Structures. All nonconforming Outdoor Advertising Structures that have been abandoned shall be brought into full conformity with this Article or be removed, without amortization or compensation. If an abandoned Outdoor Advertising Structure is in violation of the location requirements, it shall be removed. The Director may cause any abandoned signs and any signs which constitute an immediate peril to persons or property to be removed summarily and without prior notice.

Article X. Zoning Regulations for Drive-through and Drive-up Facilities.

Sec. 26.10.1. Purpose.

This Section provides locational and operational guidelines for retail trade or service uses providing drive-through and drive-up facilities to ensure that the facilities are designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, pedestrian safety, traffic, and unsightliness.

Sec. 26.10.2. Application of Article.

The Article shall apply to drive-through and drive-up facilities.

Sec. 26.10.3. General conditions.

Sec. 26.10.3-1. Inwardly focused. Drive-through aisles should be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible.

Sec. 26.10.3-2. Pedestrian walkways. Pedestrian walkways (including ADA access areas) should not intersect the drive-through access aisles, but where they do they shall have clear visibility and be emphasized by enhanced paving or markings.

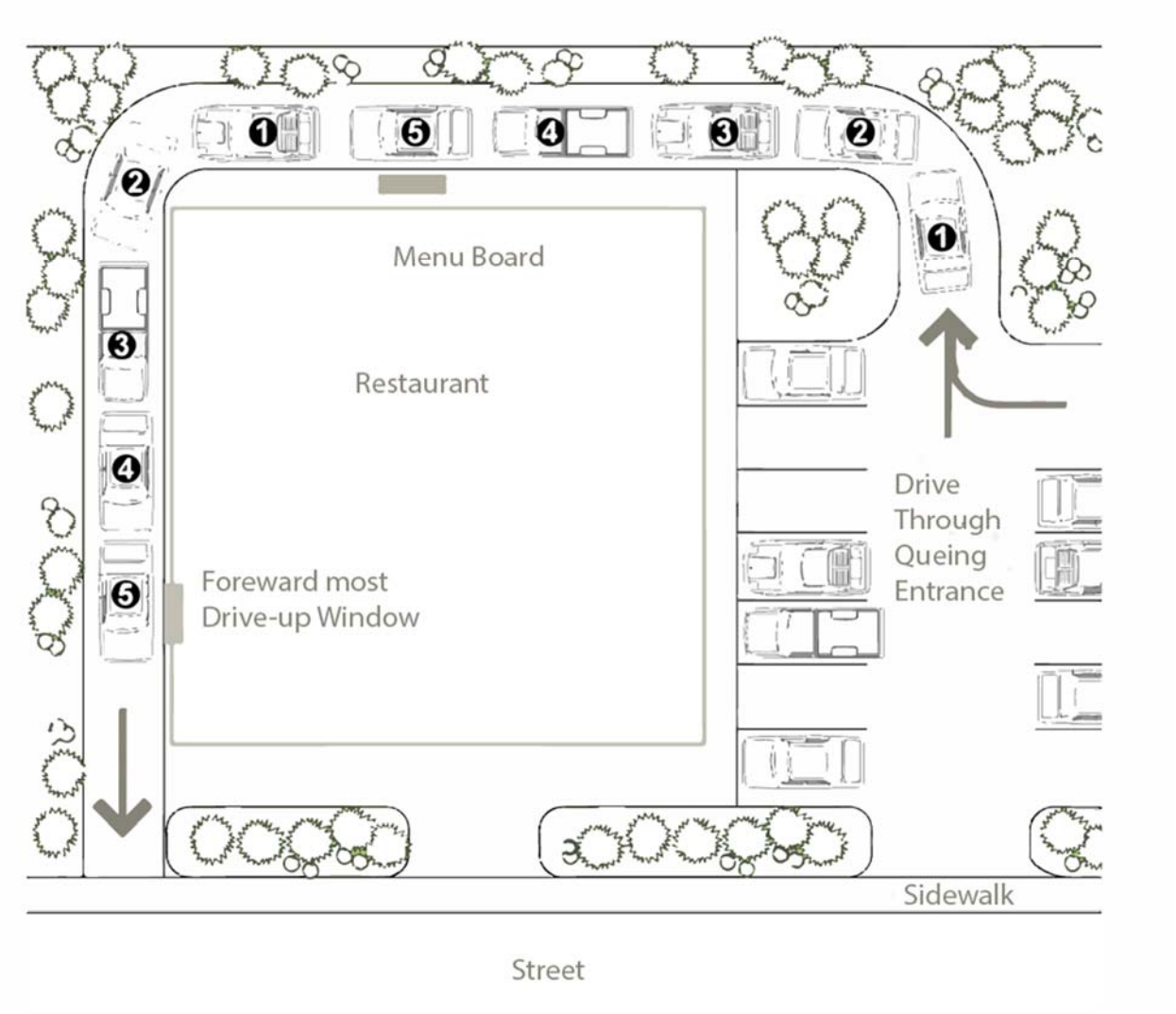
Sec. 26.10.3-3. No reduction in off-street parking. The provision of drive-through and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.

Sec. 26.10.3-4. Accommodation of waiting vehicles.

(a) Drive-through access aisles should provide sufficient space before the menu board to accommodate at least five waiting vehicles and at least five waiting vehicles between the menu board and the drive-up service window.

(b) Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls or pedestrian access.

DIAGRAM 26.10.3-4 (a). Accommodation of Drive-through Vehicles



Sec. 26.10.3-5. **Menu and preview boards.** Menu and preview boards may only be installed in compliance with all of the following requirements.

(a) As practical, visibility of outdoor menu and preview boards should be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.

(b) Any proposed carhop and/or walk-up menu boards shall not exceed four square feet in area.

Sec. 26.10.3-6. **Noise**. Amplification equipment (e.g., speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses. Noise standards in Table 26.4.1-7(b)(2) Noise Standards shall apply to any amplification equipment.

Sec. 26.10.3-7. Prevention of headlight glare. Each drive-through aisle should be appropriately screened with a combination of landscaping, low walls, and/or berms maintained at a minimum height of three feet to prevent headlight glare from impacting adjacent streets, adjoining properties, and parking lots.

Sec. 26.10.3-8. Wall required when adjoining residential uses. A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan and Design Review process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.

Article XI. Enforcement.

Sec. 26.11.1. Application of Article.

This Article provides for the enforcement of penalties in the case of violation of any of the terms or provisions of this Chapter and of any permit or right or exception granted hereunder. The enforcement rights set forth herein are in addition to those provisions of the Code that also specifically set forth the City's rights of enforcement and remedies available to the City. All of the provisions of the Chapter of the Code setting forth enforcement rights and remedies shall apply to any violation of any of the terms or provisions of this Chapter and of any permit or right or exception granted hereunder.

Sec. 26.11.1-1. Violation. It is unlawful for any Person to violate any term or provision of this Chapter or any part hereof or any permit, license, or exception granted hereunder, or to fail to comply with any order or regulation made hereunder. Whenever a violation occurs, the violation shall include not only the act or omission constituting the violation, but it shall also include causing, allowing, permitting, aiding, abetting, suffering, withholding, or concealing the fact of such act or omission, or destroying or tampering the evidence associated with the act or omission. The provisions of this Chapter and all permits and rights granted hereunder shall apply to any Person, whether or not the Person was the original owner of the property or applicant for the permit, right, exception, or approval, and whether the Person is the owner, lessee, licensee, agent, or employee, if the Person has notice of the terms and conditions of the permit or approval.

Sec. 26.11.1-2. Criminal and Civil Enforcement. The City may enforce violations as a criminal (infraction or misdemeanor), civil, or administrative action, or any combination thereof. Any Person who violates any term or provision of this Chapter or any part hereof or any permit, license, or exception granted hereunder, or who fails to comply with any order or regulation made hereunder is guilty of a misdemeanor; provided, however, that in the sole discretion of the City Attorney's office, a violation may be prosecuted as an infraction where the City Attorney's office has determined that such action would be in the best interest of justice. The City Attorney may specify in the citation, accusatory pleading, or by amendment during the prosecutorial process that the matter will be prosecuted as an infraction. Any Person who has violated any term or provision of this Chapter or any part hereof or any permit, license, or exception granted hereunder, or has failed to comply with any order or regulation made hereunder shall be subject to the criminal, civil, and administrative penalties set forth in the Code and otherwise provided by law.

Sec. 26.11.1-3. Continuing Violations. A Person is guilty of a separate offense for each and every day, or any portion thereof, during which there is any violation or failure to comply as described in this Section 26.11.1, "Application of Article," *et seq.* that is committed, continued, permitted, or allowed by such Person.

Sec. 26.11.1-4. Voiding of Permit, Certificates, and Licenses. Any permit, certificate, or license issued in conflict with the provisions of this Chapter shall be void.

Sec. 26.11.1-5. Public Nuisance. In addition to the penalties herein provided, any condition caused, or permitted to exist, in violation of any of the provisions of this Chapter or any part hereof or of any permit, license, or exception granted hereunder, or in violation of any order or regulation made

hereunder is hereby declared to be unlawful and a public nuisance, and may be summarily abated as such by this City, and shall further be subject to injunctive relief granted by any court of competent jurisdiction. Each day or portion of a day that such condition continues shall be regarded as a new and separate offense.

Sec. 26.11.1-6. Remedies. All remedies permitted under this Chapter or the Code shall be cumulative and not exclusive. Conviction and punishment of any Person hereunder shall not relieve such Person from the responsibility of correcting prohibited conditions or removing prohibited Buildings, structures, or improvements, and shall not prevent the enforced correction or removal thereof. Nothing in this Article shall prevent the City from using one or more other remedies to address violations of this Chapter.

Sec. 26.11.1-7. Responsibility. The Director shall have principal responsibility for monitoring and enforcing the conditions and standards imposed on all land use standards and entitlements granted by the City pursuant to this Chapter. In accordance with the provisions of California Penal Code Section 836.5(a), employees of the Department of Public Works, Water and Development Services, as directed and designated from time to time by the Director, are hereby authorized to issue citations for violations of this Chapter. The procedures to be followed for the issuance of said citations are those that are or may be authorized from time to time by provisions of the California Penal Code.

Sec. 26.11.1-8. Enforcement. In addition to any other remedy provided for in this Code or otherwise by law, the Director may take any or all of the following actions for any violation of this Chapter or of the terms and conditions of any permit or approval that may be provided for in this Chapter:

(a) Institute proceedings to revoke or suspend any permit or approval, including, without limitation, a Variance, Conditional Use Permit, Minor Conditional Use Permit, or Temporary Use Permit;

(b) Revoke the business license held by any violator in accordance with the provisions of Chapter 5, "Business License Taxes and Other City Tax Section," 68, "Revocation and Suspension of Licenses of the Code";

(c) Impose an enforcement fee as provided for in Section 26.11.1-9, "Enforcement Fees";

(d) Cause to be issued an administrative citation or compliance order as provided for in the Code;

(e) Institute proceedings against a Person with multiple violations of the Code for "unfair business practices" under California Business and Professions Code Section 17200;

(f) Request that the City Attorney take appropriate enforcement action. Referral by the Director is not a condition precedent to any enforcement action by the City Attorney.

Sec. 26.11.1-9. Enforcement Fees.

(a) An enforcement fee may be imposed by the City against each Person who has violated the provisions of this Chapter or the terms and conditions of any permit, license, exception, or approval that has been provided pursuant to this Chapter. The purpose of this fee is to recover the costs of enforcement from any Person who violates the provisions of this Chapter or any permit, license, exception, or approval granted hereunder. The City Council shall establish the enforcement fees by Resolution, and may, from time to time, amend such fees.

(b) The Director shall cause to be issued a notice imposing fees under this Section. The notice shall provide that the fee shall be due and payable within fifteen (15) days from the date of the notice. A penalty of ten percent (10%) per month shall be added to any fees that have not been paid when due.

(c) Any person upon whom fees have been imposed pursuant to this Section may appeal the action in accordance with the following procedure:

(1) A notice of appeal shall be filed with the Director within ten (10) days of the date of the notice.

(2) At the time of filing the notice of appeal, the appellant shall deposit with the City Treasurer money in the amount of all fees due. If, as a result of the hearing, it is determined that the City is not entitled to all or a portion of the money, the City shall refund to the Person all or a portion of the money deposited.

(3) The City Council shall hold a hearing on the appeal within sixty (60) days of the date of filing of the appeal. The City shall give the appellant at least five (5) days notice of the time and place of the hearing. The City Council shall render a decision within fifteen (15) days of the date of the hearing. The hearing may be continued if additional information is required in order to allow the City Council to render a decision. The purpose of the hearing shall be limited to whether or not the violation occurred.

(4) The decision of the City Council shall be final except for judicial review.

(5) Any notice issued pursuant to this Section shall set forth the appeal rights as provided for in this Section.

Sec. 26.11.1-10. Business License Revocation or Suspension.

(a) Notwithstanding any other provision of this Code, the Director may suspend a business license for thirty (30) days or less, or may revoke a business license issued pursuant to this Code, if the holder of such business license has violated the provisions of this Chapter or the terms and conditions of any permit or approval issued hereunder, in accordance with the procedure set forth in this Section.

(b) Upon being notified of a second violation of this Chapter, or the terms and conditions of any permit or approval granted hereunder, within a three (3) year period from the date of the first violation, the Director shall notify the Person that a third violation within such three (3) year period may result in the suspension or revocation of the Person's business license.

(c) Upon being notified of a third violation of this Chapter, or the terms and conditions of any permit or approval granted hereunder within a three year period from the date of the first violation, the Director may notify the Person of the revocation or suspension of the Person's business license.

(d) Any notice of revocation or suspension issued pursuant to this Section shall be final upon the expiration of the appeal period if no appeal is timely filed or upon the decision of the City Council if an appeal is filed.

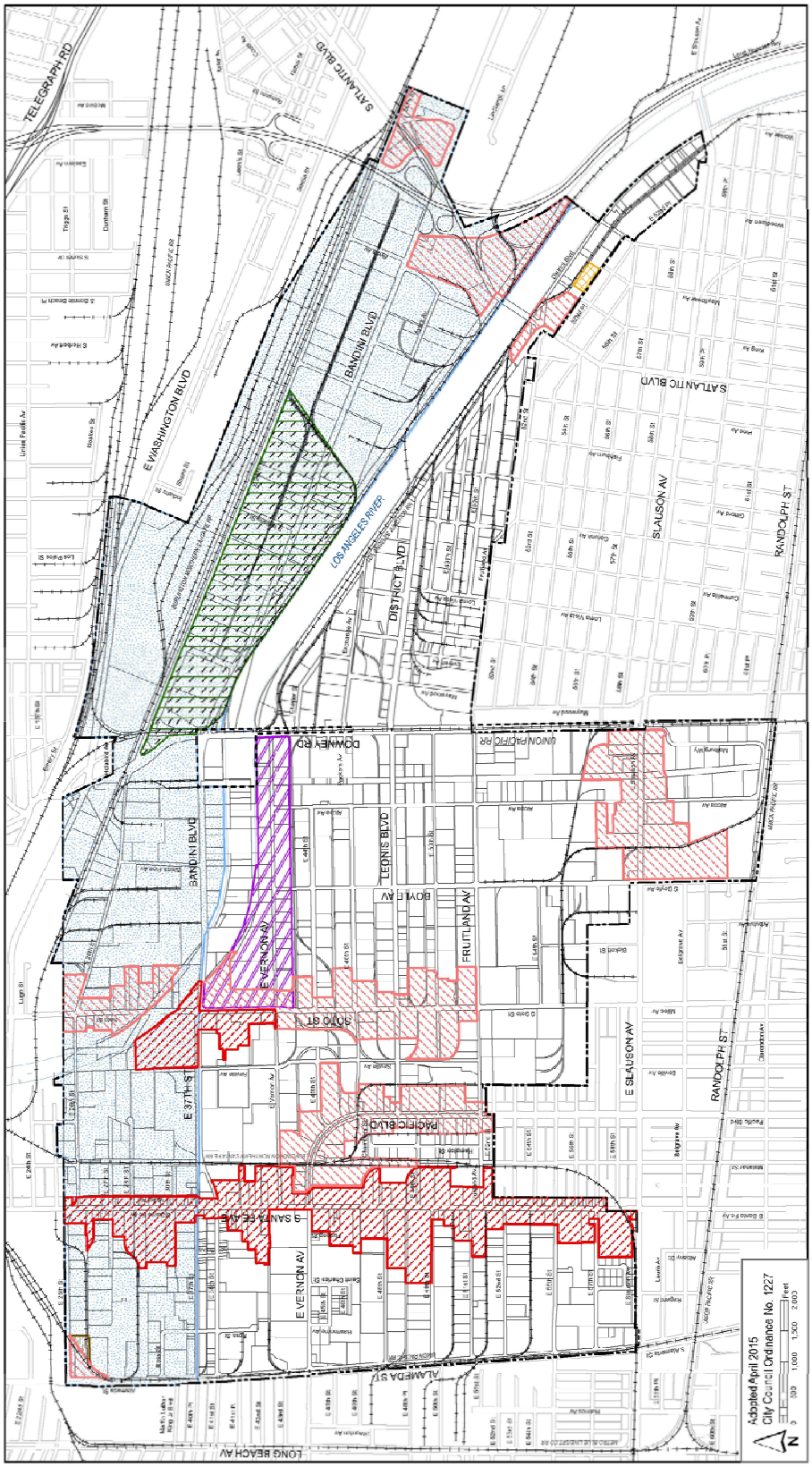
(e) Any Person may appeal the suspension or revocation of the business license in accordance with the following procedures:

(1) A notice of appeal shall be filed with the Director within fourteen (14) days from the date of the notice of revocation or suspension.

(2) The City Council shall hold a hearing on the appeal within sixty (60) days of the date of the filing of the appeal. The City Council shall give the appellant at least ten (10) days notice of the time and place of the hearing. The City Council shall render a decision within fifteen (15) days of the date of the hearing.

(3) The decision of the City Council shall be final except for judicial review.

(4) Any notice revoking or suspending a business license pursuant to this Section shall set forth the appeal rights as provided for in this Section.


City of Vernon
ZONING MAP
Adopted April 2015
City Council Ordinance No. 1227
Feet
0 500 1,000 1,500 2,000
N
Zone
Industrial
Overlay Zones
Housing
Emergency Shelter
Commercial-1
Commercial-2
Rendering
Slaughtering
Truck and Freight Terminal
Base Map
Vernon City Boundary
Vernon Sphere of Influence
Freeway
Railroad
TELEGRAPH RD
S ATLANTIC BLVD
E WASHINGTON BLVD
BANDINI BLVD
LOS ANGELES RIVER
DISTRICT BLVD
SLAUSON AV
RANDOLPH ST
UNION PACIFIC RR
DOWNEY RD
LEONIS BLVD
BOYLE AV
FRUITLAND AV
E VERNON AV
SOTO ST
E 37TH ST
PROCTER BLVD
S SANTA FE AVE
ALAMEDA ST
LONG BEACH AV