

ORDINANCE NO. 16-1603

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO THE ZONING ORDINANCE, AMENDING PART 3 (COMMERCIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING), AMENDING SECTION 9131.1 (USES PERMITTED) OF DIVISION 1 (USES PERMITTED) OF PART 3 (COMMERCIAL ZONES), ADDING SECTION 9138.19 (DISCOUNT STORES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 3 (COMMERCIAL ZONES), AND ADDING SECTION 9182.43 (NONCONFORMITY FOR DISCOUNT STORES) OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTATION PROVISIONS), OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING DISCOUNT STORES

WHEREAS, the California Constitution grants local governments in Article XI, Section 7 the authority under their police powers to regulate land use; and

WHEREAS, on January 19, 2016, the City Council of the City of Carson enacted Ordinance No. 15-1576U, a moratorium on single price overstock/discount stores, to allow the City to review thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to single price overstock/discount stores, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand single price overstock/discount stores in the City on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand. Ordinance No. 15-1576U expires on December 15, 2016; and

WHEREAS, the Zoning Code does not have specific provisions governing the location and operation of discount stores; and

WHEREAS, through its analysis of discount store impacts on the community, the City developed standards to regulate minimum lot area, minimum separation requirement, hours of operation, and parking, as articulated herein; and

WHEREAS, the ordinance is consistent with General Plan Policy LU-6.7 to attract land uses that generate revenue to the City of Carson, while maintaining a balance of other community needs such as housing, open space, and public facilities. Discount Stores provide goods that meet the needs of the community and generate revenue to the City; and

WHEREAS, the ordinance is consistent with General Plan Policy LU-7.1 to review and amend if necessary, the City's Zoning Ordinance to ensure the compatibility of uses allowed within each zoning district. The proposed amendment establishes a use classification for Discount Stores along with design standards to ensure the compatibility of Discount Stores allowed within each zoning district; and

WHEREAS, the ordinance is consistent with the following Specific Plans: 1,2,3,4,6,7, 10, 12 and 13 as these Specific Plans do not impose any development standards that are inconsistent with this ordinance; and

WHEREAS, the Zoning Ordinance amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) since the activity will not result in direct or reasonable foreseeable indirect physical change in the environment; and

WHEREAS, on August 23, 2016, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding discount stores, at which conclusion the Planning Commission recommended to the City Council approval of this Zoning Ordinance text amendment; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows:

Division 8. Special Requirements for Certain Uses

- § 9138.10 Oil Wells.
- § 9138.11 General Provisions.
- § 9138.12 ~~Automobile Service Stations.~~ Convenience Store
- § 9138.13 ~~Automobile Laundries.~~ Reserved
- § 9138.14 ~~Miscellaneous Retail Petroleum Outlets.~~ Automobile/Vehicle Services
- § 9138.15 Commercial, Automotive (CA) Development Standards.
- § 9138.16 Communications Facilities.
- § 9138.17 Mixed-Use – Carson Street (MU-CS).
- § 9138.18 Mixed-Use – Sepulveda Boulevard (MU-SB).
- § 9138.19 *Discount Store (Added under separate amendment)*
- § 9138.2 Vehicle Service and Repair.
- § 9138.21 Vehicle Auctions.
- § 9138.22 Church Uses Within the CR (Commercial, Regional) Zone.
- § 9138.3 Golf Facilities.
- § 9138.4 Arcade Facilities.
- § 9138.5 Alcoholic Beverage Sales and Services.
- § 9138.6 Small Collection Recycling Facility.
- § 9138.7 Mixed-Use or Residential Development in a Mixed-Use Residential (MUR) Overlay District.
- § 9138.71 Outdoor Advertising Signs in an Electronic Marquee Signage (EMS) Overlay District.
- § 9138.72 Sex Offender Residency Restrictions.
- § 9138.8 Sidewalk, Parking Lot and Tent Sales.
- § 9138.9 Adult Business.
- § 9138.91 Massage Service.
- § 9138.92 Tattoo Service.

Section 2. Section 9131.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows:

USES PERMITTED IN COMMERCIAL ZONES

Legend

X.	Automatically permitted use.
L.	Automatically permitted use provided special limitations and requirements are satisfied as noted herein or in Division 8 of this Part.
D.	Use permitted subject to the approval of the Director.
LD.	Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 2, and subject to the approval of the Director.
C.	Use permitted upon approval of a conditional use permit.
CC.	Use permitted upon approval of the City Council as prescribed, under other provisions of the Carson Municipal Code.
	All commercial uses permitted by this Part shall be subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses. (See CMC 9131.1). (Ord. 84-704)

	ZONES					
	CN	CR	CG	CA	MU-CS	MU-SB
Retail Sales:*						
* Alcoholic beverage sales, food services, and vehicle services are listed under separate headings.						
Department stores, variety stores, and specialized stores for apparel, items for personal use, household items, plants and flowers, and supplies and small equipment for businesses, including antiques** but no other secondhand items. Swap meets and flea markets, as defined in CMC 9191.670, are prohibited.	X	X	X		X	X
<u>Convenience Stores</u>	<u>C</u>	<u>C</u>			<u>C</u>	
<i>Discount Stores (Added under separate amendment)</i>		C	C			
** Incidental restoration permitted.						
Indoor mini-mart, auction house. (Ord. 86-763U, § 1; Ord. 87-813, § 1)	C		C			
Building materials other than ornamental brick, stone, tile, or flagstone. (Incidental storage of sand, gravel, or rock limited to 2,000 tons total.)		L	L			
Ornamental brick, stone, tile or flagstone. (See CMC 9133.)			C			

	ZONES					
	CN	CR	CG	CA	MU-CS	MU-SB
Monuments, tombstones, statuary.			X			
Feed and grain.			X			
Secondhand store, pawn shop.			X			

Section 3. Section 9138.19 (Discount Stores) of Division 8 (Special Requirements for Certain Uses) or Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby added as follows:

9138.19 Discount Stores

- A. Use Classification. Retail establishments that sell a broad range of outlet, close-out, discontinued, liquidation, or overstock and general merchandise, primarily at a single discount price and/or in the low and very low price ranges.
- B. Minimum Lot Area. Discount Stores shall not be permitted on lots less than six (6) acres of net area.
- C. Minimum Separation Requirement. New discount stores shall not be less than one-half (1/2) mile from an existing discount store.
- D. Hours of Operation. Business hours, including truck loading hours, shall be limited to 8:00 a.m. to 9:00 p.m., seven days a week.
- E. Parking Requirement. 1 space per 250 square feet of gross floor area.

Section 4. Section 9182.43 (Nonconformity for Discount Stores) of Division 2 (Nonconformities) or Part 8 (Implementation Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby added as follows:

9182.43 Nonconformity for Discount Stores

Existing lawfully established Discount Stores may continue to operate indefinitely without complying with the provisions of CMC Section 9138.19. The existing stores may expand their floor area without complying with the provisions of CMC Section 9138.19. All expansions shall require a Site Plan and Design Review application to ensure upgrading the façade of the building(s), the signs, and the landscaping for the site.

Section 5. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section,

subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 6. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

Section 7. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2016.

Mayor Albert Robles

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney