

**ORDINANCE NO. 188-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, MODIFYING DEVELOPMENT STANDARDS AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW**

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

**WHEREAS**, the City desires to amend the provisions of Article IX (Planning and Zoning) of the Carson Municipal Code (the “Zoning Ordinance”) in order to correct, clarify and/or update several unintended discrepancies in the Zoning Ordinance to allow effective and consistent application of the Zoning Ordinance, and improve the efficiency of processing of residential development applications; and

**WHEREAS**, a duly noticed public hearing was held by the Planning Commission on July 27, 2021, and Planning Commission Resolution No. 21-2713 was adopted, recommending that the City Council adopt the proposed Zoning Ordinance text amendment; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on the proposed Zoning Ordinance text amendment on September 21, 2021. Notice of the City Council hearing to consider the proposed Zoning Ordinance text amendment was given in accordance with Government Code Section 65854 and Carson Municipal Code Section 9173.22.

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

**SECTION 1. RECITALS.** The foregoing recitals are true and correct and are incorporated herein as findings of fact.

**SECTION 2. CEQA.** The City Council has determined that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

**SECTION 3.** Section 9121.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson

Municipal Code is hereby amended as follows at the second row of the table under “Permanent Residential Uses” (deleted text shown in ~~strike through~~, added text shown in ***bold, italics, underlined***):

**9121.1 Uses Permitted**

Uses are permitted in the residential zones as indicated in the following table:

<b>USES PERMITTED IN INDUSTRIAL ZONES</b>	
Legend	
X.	Automatically permitted use.
L.	Automatically permitted use provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 3.
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 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 residential projects that include affordable and/or senior citizen households, as defined in CMC 9126.91, shall be subject to the requirements contained in CMC 9172.23 (Site Plan and Design Review) except temporary uses set forth in this Section.

**ZONES**

	RA	RS	RM
<b>Permanent Residential Uses:</b>			
Single-family dwellings on lots less than 50 feet wide <del>are subject to CMC 9126.9 and 9172.23.</del>	<u>L X</u>	<u>L X</u>	<u>L X</u>

**SECTION 4.** Section 9126.11 (Reserved) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby replaced in its entirety with the following:

**“9126.11 Structure Size; Floor Area Ratio.**

***The minimum size for a single-family dwelling shall be no less than 800 square feet, and the maximum size for all structures on a single lot shall be determined by Floor Area Ratio (FAR) (as set forth in this section) and Lot Coverage (as set forth in CMC 9126.21). The maximum FAR in a single-family zone shall not exceed .50. Notwithstanding the foregoing, application of the FAR limitation set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov’t Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov’t Code Section 65852.2(j)(1), as may be amended.***”

**SECTION 5.** Section 9126.21 (Ground Coverage) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strikethrough~~, added text shown in ***bold, italics, underlined***):

**“9126.21 Ground Lot Coverage.**

In the ***RA, RS*** and RM Zones, the ~~ground-area~~ ***lot coverage*** included within the exterior walls and/or supporting columns of all roofed structures shall not exceed ***.50 or fifty*** (40) percent of the ~~net~~ total lot area, except when a parking structure or subterranean parking is proposed, the ~~ground-area~~ ***lot coverage*** shall not exceed ***.70 or seventy*** (70) percent of the ~~net~~ lot area. ***Notwithstanding the foregoing, application of the lot coverage limitations set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov’t Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov’t Code Section 65852.2(j)(1), as may be amended.***”

**SECTION 6.** Section 9126.24 (Side Yards) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strikethrough~~, added text shown in ***bold, italics, underlined***):

**“9126.24 Side Yards.**

Each lot shall have a side yard width as follows:

<b>Use</b>	<b>Minimum Side Yard Width</b>
Single-Family Dwellings	3 feet for lots smaller than thirty feet wide. 10 percent

of the lot width for lots 30 to 50 feet wide. 5 feet for lots wider than 50 feet.

**Additions to single-family dwellings with a non-conforming side yard setback can maintain non-conforming side yard setback subject to Director and Building and Safety approvals, but at no time shall the setback be less than 3 feet.**

Where the side of a lot abuts a street, the required side yard shall be twice the width required above.

Multiple-Family Dwellings and Residential Condominiums	6 feet for lots smaller than 30 feet wide. 20 percent of the lot width for lots 30 to 50 feet wide. 10 feet for lots wider than 50 feet.
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The above provisions may be waived, in connection with approval of a tract or parcel map, to permit the location of buildings at approximately one (1) inch from side lot lines provided compensating additional side yard space is provided on the opposite side of each lot and special noise absorbing walls are provided along the side lot line as specified in CMC 9163.2.

Required side yards shall not be occupied except as provided in CMC 9126.29.”

**SECTION 7.** Section 9126.28 (Usable Open Space) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strikethrough~~, added text shown in **bold, italics, underlined**):

**“9126.28 Usable Open Space.**

On each lot developed with single-family dwelling units, there shall be ~~usable~~ open space of at least **.15 or fifteen percent**, ~~one hundred thirty (130) square feet for each zero and one (1) bedroom unit and at least one hundred fifty (150) square feet for each two (2) or more bedroom unit.~~

In each condominium or multiple-family dwelling project, there shall be usable open space of at least thirty (30) percent of the net project areas for projects of one (1) acre or less, and at least forty (40) percent of the net project for projects greater than one (1) acre.

Required open space shall not be occupied except as provided in CMC 9126.29.

**Notwithstanding the foregoing, application of the open space limitations set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov't Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov't Code Section 65852.2(j)(1), as may be amended.**

**SECTION 8.** Section 9126.29 - Table (Encroachments Permitted in Required Yards and Open Spaces) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strike through~~, added text shown in **bold, italics, underlined**):

	<b>Section No. Reference</b>	<b>9126.25</b>
<b>Type of Encroachment</b>	<b>Type of Yard</b>	<b>Rear Yard</b>
		<del>50% of area</del> <b>50% of area required to building encroachment permitted</b> <b>50% of area required to remain open</b>

**SECTION 9.** Section 9126.3 (Fences, Walls and Hedges) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (added text shown in **bold, italics, underlined**):

**“9126.3 Fences, Walls and Hedges.**

A fence, wall or hedge shall not exceed a height of six (6) feet above the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grades on the two (2) sides of the fence, wall or hedge, the higher grade shall be used. **In a required front yard and any abutting future right-of-way area, no portion of a fence, wall or hedge shall be in excess of three and one-half (3-1/2) feet in height.**

The height limitation of this Section shall not apply in any case where it conflicts with any other City ordinance or State law or regulation.”

**SECTION 10.** Section 9163.1 (Reserved) of Division 3 (Walls) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (added text shown in ***bold, italics, underlined***):

Division 3. ***Fences and*** Walls

Section 9163.1 (~~Reserved~~). ***Fences and Walls***

***Fences and walls along the City's major and secondary highways (as defined in the Municipal Code and General Plan) shall have the following minimum development standards.***

- a. ***Fencing materials shall consist of decorative masonry walls, such as splitface masonry, slumpstone, stuccoed block, stone, wrought iron, or a combination thereof and shall be approved by the Planning Division.***
- b. ***Decorative wrought iron gates with opaque screening shall be installed at all access points visible from the public right-of-way.***
- c. ***Use of barbed, razor or similar wire and chain-link fencing is prohibited in any area visible from the public.***

**SECTION 11.** Subsection B (Approval Authority) of Section 9172.23 (Site Plan and Design Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strike through~~, added text shown in ***bold, italics, underlined***):

“B. Approval Authority.

1. An application for approval of a Development Plan shall be submitted to the Commission for determination in any case involving any of the following:
  - a. Any construction of a new building or structure having an estimated valuation of ~~\$50,000~~ ***\$200,000*** or more.
  - b. Any expansion, addition, alteration or repair to an existing structure, or other construction if the estimated cost of the work is ~~\$50,000~~ ***\$200,000*** or more and the work involves changes in exterior architectural design, landscaping design or parking facilities.
  - c. Any conversion of a residential structure to a commercial use if the estimated cost of the work is less than ~~\$50,000~~ ***\$200,000***.
  - d. Any major wireless telecommunications facility and minor wireless telecommunications facility located within one hundred (100) feet of a residential zone.
2. The Director shall have the authority to approve a Development Plan for work involving any of the following:
  - a. Any construction of a new building or structure having an estimated valuation less than ~~\$50,000~~ ***\$200,000***.
  - b. Any expansion, addition, alteration or repair to the exterior of an existing structure, or other construction, except for any conversion of a residential structure to a commercial use, if the estimated cost of the work is less than

~~\$50,000~~ **\$200,000** and the work involves changes in exterior architectural design, landscaping design or parking facilities.

c. Any construction involving only interior modifications to an existing building, regardless of the estimated valuation of the work.

d. Signs.

e. Solar energy equipment installation.

f. Fences, walls and hedges.”

**SECTION 12.** Section 9191.252 (Floor Area Ratio) of Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (added text shown in ***bold, italics, underlined***):

**“9191.252 Floor Area Ratio (FAR).**

Shall mean the gross floor area of all buildings on a lot divided by the net lot area, ***expressed as a decimal number. For example, a 5,000 square foot building on a 5,000 square foot lot has a floor area ratio of 1.00 or 100 percent, while the same building on a 10,000 square foot lot would have a floor area ratio of .50 or 50 percent. The FAR, in conjunction with lot coverage is used in calculating the maximum building area on a lot.***”

**SECTION 13.** A new Section 9191.360 (Lot Coverage) is hereby added to Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code and shall read in its entirety as follows:

**“9191.360 Lot Coverage.**

***Lot Coverage is the portion of a lot covered by all building(s) and/or structure(s) on a lot divided by the size of the lot, expressed as a decimal number. The lot coverage is used in calculating the intensity of use of a parcel for a development project. For example, a footprint of 1,000 sf. on a 5,000 sf. lot results in lot coverage of .20 or 20% (1,000sf / 5,000sf = .20).***”

**SECTION 14.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 15.** This ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 16.** 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.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Lula Davis-Holmes

ATTEST:

\_\_\_\_\_  
John Carroll, Chief Deputy City Clerk

APPROVED AS TO FORM:

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City Attorney Sunny K. Soltani