

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING ZONING CODE AMENDMENT, P2022-0357-ZCA, AMENDING VARIOUS PORTIONS OF THE CULVER CITY MUNICIPAL CODE (CCMC), TITLE 17–ZONING CODE, RELATED TO CCMC SECTIONS; 17.400.100 RESIDENTIAL USES-ACCESSORY RESIDENTIAL STRUCTURES; 17.610.020 NONCONFORMING STRUCTURES; 17.320.035 PARKING DESIGN AND LAYOUT GUIDELINES AND TITLE 17, CHAPTER 17.700: DEFINITIONS, AS SET FORTH IN EXHBIT “A” ATTACHED HERETO

(Zoning Code Amendment, P2022-0357-ZCA)

WHEREAS, on February 8, 2023, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2022-0357-ZCA) amending various portions of the Culver City Municipal Code (CCMC), Title 17 – Zoning (Zoning Code), including, CCMC Sections; 17.400.100 Residential Uses – Accessory Residential Structures; 17.610.020 Nonconforming Structures; 17.320.035 Parking Design and Layout Guidelines and Title 17, Chapter 17.700: Definitions, fully considering all reports, studies, environmental information, and testimony presented, the Planning Commission, by a vote of 4 to 0, recommended to the City Council approval of Zoning Code Amendment, P2022-0357-ZCA.

WHEREAS, on March 13, 2023, after conducting a duly noticed public hearing on a City-initiated Zoning Code Amendment (P2022-0357-ZCA), amending portions of the Zoning Code, fully considering all reports, environmental information, and all testimony presented, the City Council, by a vote of 5 to 0, introduced an ordinance approving Zoning Code Amendment, P2022-0357-ZCA, (the “Ordinance”), as set forth herein below.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY ORDAIN, as follows:

1 **SECTION 1.** Pursuant to the foregoing recitations and the provisions of the CCMC,
2 the following required findings for an amendment to the Zoning Code, as outlined in CCMC
3 Section 17.620.030.A, are hereby made:
4

5 **1. The proposed amendment ensures and maintains internal consistency with the**
6 **goals, policies and strategies of all elements of the General Plan, and, in the case of**
7 **a Zoning Code Amendment, will not create any inconsistencies with this Title.**

8 There are several unintended discrepancies in the Zoning Code that require corrections
9 and/or updates to apply the Zoning Code effectively and consistently. The proposed
10 Zoning Code Amendments are intended to: clarify various residential standards related to
11 accessory residential structures; address a conflict between standards for re-construction
12 and expansion of existing legal non-conforming accessory residential structures and
13 unique physical circumstance for through lots on the 4100 block of Charles Avenue; and
14 provide clear language for certain definitions for certain Zoning Code terms that are
15 ambiguous. These amendments implement the goals, objectives, and policies of the
16 General Plan and create internal consistency. The amendments further General Plan
Land Use Element Implementation Measure 1 – Revise the Zoning Ordinance, by
changing and revising provisions to eliminate impediments to reuse and rehabilitation of
nonconforming structures, resulting in greater consistency within the Code. The
amendments also implement Measure 7 – Continue Current Planning Administration,
because the revised language results in improved Building Permit plan check and
Planning Entitlement review processes.

17 Development thresholds, as guided by the goals, objectives, policies, and strategies of all
18 General Plan elements will not be impacted because the Amendment does not introduce
19 new uses or changes in the allowable density/intensity of development. Development
20 proposals will continue to be subject to applicable review processes to and any conditions
21 of approval deemed necessary to reduce potential impacts. Thus, the proposed
Amendment will not create any inconsistencies and maintains internal consistency with
the goals, policies, and strategies of all elements of the General Plan.

22 **2. The proposed amendment would not be detrimental to the public interest, health,**
23 **safety, convenience or welfare of the City.**

24 There are several unintended discrepancies in the Zoning Code that require correction
25 and/or update to apply the Zoning Code effectively and consistently. The proposed
26 Zoning Code Amendments will help ensure that the Zoning Code is clear and internally
27 consistent with regard to residential development standards and Zoning Code definitions.
28 The amendments will serve to improve Current Planning's implementation of General Plan
29 policies and Zoning standards affecting residential and commercial property owners and
developers. The amendments support the public interest, health, safety, convenience, and
welfare of the City.

1 **3. The proposed amendment is in compliance with the provisions of the California**
2 **Environmental Quality Act (CEQA).**

3 The proposed Zoning Code Amendment is considered exempt from CEQA pursuant to
4 CEQA Guidelines Section 15061(b)(3), common sense exemption, because it can be
5 seen with certainty there is no possibility the Amendment will have a significant effect on
6 the environment. The Amendment, by itself, does not result in any physical changes in
7 the environment because it only clarifies and updates various discrepancies in the Zoning
Code, and does not result in changes to existing land use, density, or an intensification of
development beyond what the Zoning Code currently allows.

8
9 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City Council of
10 the City of Culver City, California, hereby introduces the Ordinance approving Zoning Code
11 Amendment, P2022-0357-ZCA, amending Culver City Municipal Code (CCMC) Title 17 –
12 Zoning Code, as it relates to accessory residential structures, non-conforming structures
13 and definitions as set forth in Exhibit A attached hereto and made a part thereof.
14

15 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
16 take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621
17 of the City Charter, prior to the expiration of fifteen days after the adoption, the City Clerk
18 shall cause this Ordinance, or a summary thereof, to be published in the Culver City News
19 and shall post this Ordinance or a summary thereof in at least three places within the City.
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SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of March, 2023.

ALBERT VERA, Mayor
City of Culver City, California

ATTESTED BY:

APPROVED AS TO FORM:

Walter Baker

JEREMY BOCCHINO, City Clerk

HEATHER BAKER, City Attorney

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§ 17.400.100 RESIDENTIAL USES - ACCESSORY RESIDENTIAL STRUCTURES.

This Section provides standards for accessory structures allowed in residential zoning districts in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

A. General Requirements for Accessory Structures in Residential Zoning Districts.

1. Relationship of accessory use to the main use. Accessory uses and structures shall be incidental to, and not alter, the residential character of the site. [A covenant may be required to be executed and recorded to ensure the accessory use and structure is identified and maintained consistent with the City's approval, in accordance with Section 17.595.045 \(Covenants\).](#)

2. Allowable heights. The maximum allowable heights of accessory structures are specified in Table 4-4 (Maximum Heights for Accessory Structures in Residential Zoning Districts) below.

Table 4-4 Maximum Heights for Accessory Structures in Residential Zoning Districts	
<i>Applicable Zoning District</i>	<i>Maximum Height</i>
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) Zoning Districts.	2 stories and 27 feet
Low Density Multiple-Residential (RLD), Medium Density Multiple-Residential (RMD) and High Density Multiple-Residential (RHD) Zoning Districts.	2 stories and 30 feet

3. Allowable setbacks.

a. The accessory structure shall have a setback of at least 2 feet from every perimeter property line abutting a non-residential zone, street, or alley and shall have a setback of at least 4 feet from every perimeter property line when the setback is adjacent to a residential zone, except that the setback shall be the same as that required for the primary dwelling in the zoning district in which the accessory structure is located, whenever the accessory structure:

- i. Exceeds 12 feet in height; or
- ii. Is within a setback facing a public street right-of-way.

b. A single story, ground-level accessory residential structure containing a second story accessory dwelling unit shall be subject to setback regulations for accessory dwelling units. Any portion of an accessory residential structure that exceeds 12 feet in height, located on the second floor, or is within a setback facing a public street right-of-way ~~is subject to provision a. above~~ [shall comply with the same setbacks required for the primary dwelling in the corresponding zoning district.](#)

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c. If the accessory structure is a carport or garage, it shall be set back from a public street right-of-way as necessary to conform with the requirements of Subsection 17.320.035.N. (Special Parking Requirements for Residential Uses).

d. Partial reconstruction and additions to existing legal non-conforming accessory residential structures on through lots with frontages on both Charles Avenue and Milton Avenue shall be subject to provisions of Subsection 17.610.020.A.3.c (Alterations or Additions).

~~e.d.~~ Exceptions. The following structures are exempt from the accessory structure setback requirements, with a cumulative limit of 2 maximum of any combination of such accessory structures on 1 property:

i. Movable structures not exceeding 12 feet in height, including children's play equipment, pet shelters, and similar structures, may be placed within a required side or rear setback without limitation on location.

ii. Portable storage sheds which are prefabricated, do not exceed 8 feet in height if flat roofed, nor 12 feet in height with eaves at a maximum of 8 feet for slope roofed, and are up to 120 square feet in area, may be placed within a required side or rear setback without limitation on location, except that they shall comply with Subsection 4 (Site Coverage) and 5 (Allowable Floor Area) as specified below.

iii. Trash enclosures may be placed within a required rear or side setback without limitation on location.

~~f.e.~~ ~~Second~~Two story ~~additions to existing~~ accessory residential structures will not be permitted unless:

i. Only one story is the accessory residential structure and the other story is a garage and/or accessory dwelling unit~~The existing accessory structure is a garage;~~

ii. The second story satisfies the same setback requirements that would be applicable to a primary dwelling in the applicable zoning district, unless the second story is an accessory dwelling unit only. See Figure 4-10.

4. Site coverage. Roofed accessory structures shall not occupy more than 50% of the required rear or side setbacks, provided that the Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50% is substituted elsewhere on the site, provided that:

a. The Director determines that the usability and location of the substitute area is equally satisfactory.

b. The substitute area does not exceed a slope of 10%, and has no dimension less than 15 feet.

5. Allowable Floor Area. The cumulative floor area for all accessory structures, including portable storage sheds, on a lot in a residential zone shall not exceed 800 square feet. The floor area

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of garages shall be included in such calculation; however, the floor area of other non-habitable accessory structures (including carports) shall not. See Figure 4-10.

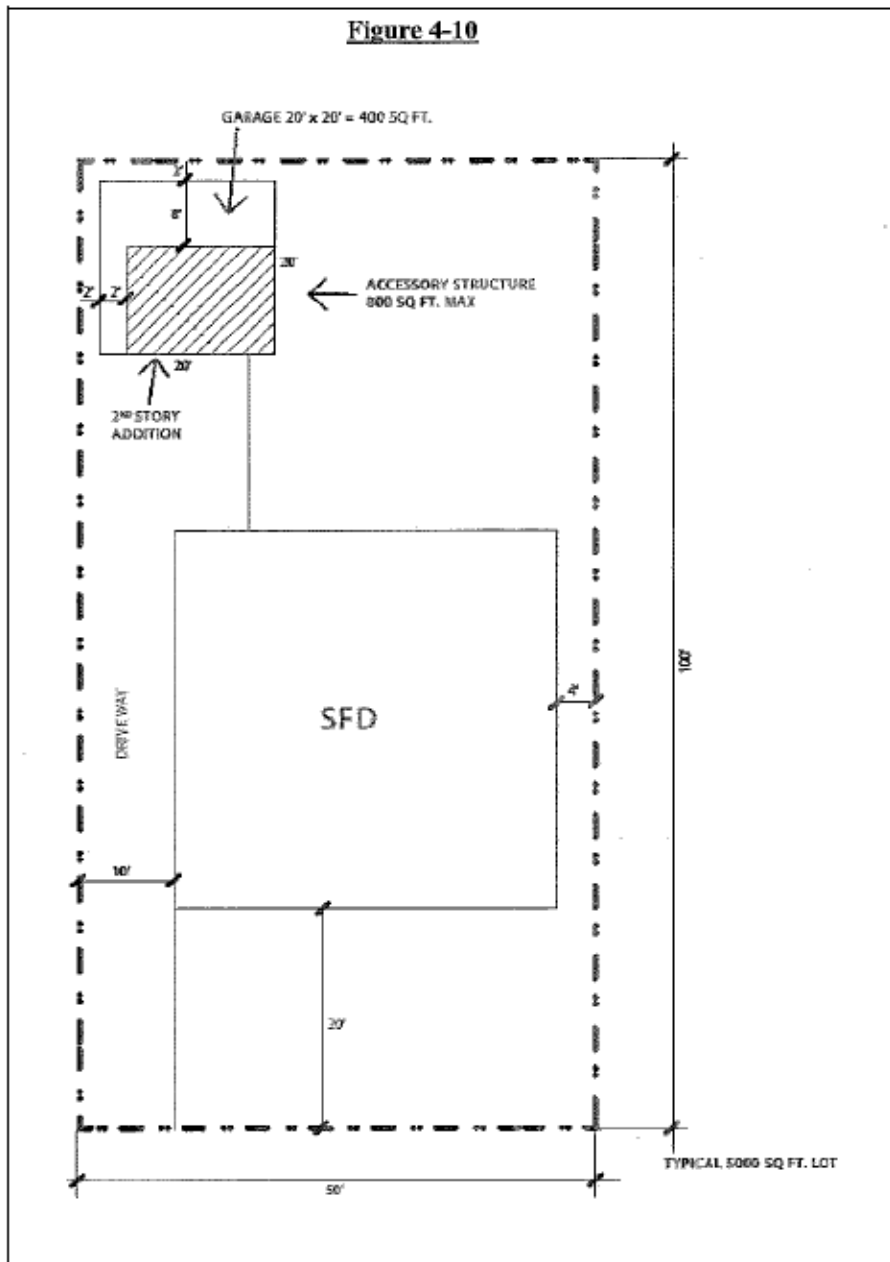
6. Additional Standards. The following additional standards shall apply to accessory structures:

- a. No more than one 3/4 bathroom shall be permitted in any accessory structure, except for garages which are restricted as noted below.
- b. Wet bars are prohibited in accessory structures.
- c. Kitchens, including efficiency kitchens, and any appliances that can be used for preparing and/or cooking meals, are prohibited in accessory structures.
- d. Only a sink and drain (wash basin) are permitted in garages; bathrooms are not permitted within, nor accessible from, garages.

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(Ord. No. 2005-00 7 § 1 (part); Ord. No. 2013- 005 § 2 (part); Ord. No. 2017- 012 § 2 (part); Ord. No. 2020-01 0; Ord. No. 2021-012 § 3 (part))

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CHAPTER 17.700: DEFINITIONS

§ 17.700.005 PURPOSE.

This Article provides definitions of terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Article conflict with definitions in other provisions of the CCMC, these definitions shall control for the purposes of this Title. If a word is not defined in this Article, or in other provisions of the Title, the most common dictionary definition is presumed to be operative.

(Ord. No. 2005-007 § 1 (part))

§ 17.700.010 DEFINITIONS OF SPECIALIZED TERMS AND PHRASES.

The following definitions are in alphabetical order.

Accessory Dwelling Unit, Junior. An attached residential dwelling unit within a proposed or existing single-family dwelling that is no more than 500 square feet in size. A junior accessory dwelling unit may share sanitary facilities with the primary dwelling unit but shall include a kitchen or efficiency kitchen consistent with applicable State and Building Code statutes.

Banks and Financial Services. Financial institutions including*:

Banks and trust companies;	Credit agencies;
Credit unions;	Holding (but not primarily operating) companies;
Lending and thrift institutions;	Other investment companies;
Securities/commodity contract brokers and dealers;	Security and commodity exchanges;
Does not include check-cashing or payday-loan facilities.	Vehicle finance (equity) leasing agencies.

* Does not include check-cashing or payday-loan facilities.

Bay Window. A window formed as the exterior expression of a bay within a structure, a bay in this context being an interior recess made by the outward projection of the exterior finish of the exterior wall of a building with exterior bottom portion no less than six (6) inches above grade. The purpose of a bay window is to admit more light than would a window flush with the wall line. A bay window may be rectangular, polygonal, or arc-shaped. A bay window is also called an oriel, or oriel window, when it projects from an upper story and which may be supported by corbels. Bay windows may be multi-level. In addition, the following shall apply to the definition herein:

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1. **Residential Bay Window.** The maximum width for all bay windows combined for any one story shall be nine (9) feet or twenty five percent (25%) the width of the subject wall segment on which the bay window(s) is/are attached, whichever is greater. For row house style developments, the maximum width shall be nine (9) feet or twenty five percent (25%) the width of the subject unit on which the bay window(s) is/are attached, whichever is greater, a row house style development in this context being a series of attached single family dwelling units that may share side walls but that are not arranged with units on top of each other. Any one bay window shall be allowed to project no more than three (3) feet beyond the exterior finish of the exterior walls of the dwelling unit and shall be subject to maximum allowed projections into setbacks as described in CCMC Section 17.300.020.E.
2. **Non-Residential Bay Window.** The maximum width for all bay windows combined for any one story shall be forty percent (40%) the width of the subject wall segment on which the bay window(s) is/are attached. Any one bay window shall be allowed to project no more than three (3) feet beyond the exterior finish of the exterior walls of the structure and shall be subject to maximum allowed projections into setbacks as described in CCMC Section 17.300.020.E.

Catering Services. Preparation and delivery of food and beverages for off-site consumption which may include provisions for on-site pickup. A catering service ancillary to a primary restaurant use is included under the definitions of “Restaurants.” Does not include Food and Beverage Manufacturing Catering services.

Floor Area. Floor Area is considered the same as Gross Floor Area or Gross Square Footage. Floor Area shall include all area within each level or floor of a structure, measured from exterior wall finish, except as otherwise defined in this Title. All space within each floor shall be counted towards the area for that floor and shall include, but not be limited to hallways; lobbies; stairways and elevators; mechanical or utility rooms; storage rooms; and restrooms; but shall not include basements as defined herein. The following specific features and structures shall also be counted towards floor area:

1. Bay Windows. Bay window protrusions with flooring that is less than 12 inches above the top surface of the interior finished floor, and which are unobstructed with permanent structures, shall be counted as floor area.
2. Residential Staircases. For residential structures, a staircase shall be counted only once if the area underneath the stairs is not accessible and not visible by way of solid walls encasing the area under the stairs.
3. Subterranean Parking Levels. In subterranean parking levels, areas such as, but not limited to, storage and utility rooms, mechanical rooms, corridors, restrooms, and commercial tenant area shall be counted as floor area. Area dedicated to vehicular and pedestrian circulation, parking spaces, drive aisles, and ramps are not subject to floor area calculation.

Kitchen. Any room or space within a building used or designated for the cooking or preparation of food that includes at minimum, a stove and/or oven, refrigerator, a counter-top, a storage cabinet, and sink.

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Lot or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Title. Portions of a Lot or Parcel that are within the public right-of-way and restricted by easement, or similar instrument, to sidewalk, alley, or street uses shall not be considered a part of the Lot or Parcel. Types of lots include the following.

- 1. Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
- 2. Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
- 3. Interior Lot.** A lot abutting only one street.
- 4. Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.
- 5. Reverse Corner Lot.** A corner lot, the rear of which abuts a key lot.
- 6. Through Lot.** A lot with frontage on two generally parallel streets.

Figure 7-1
Examples of Lot Types

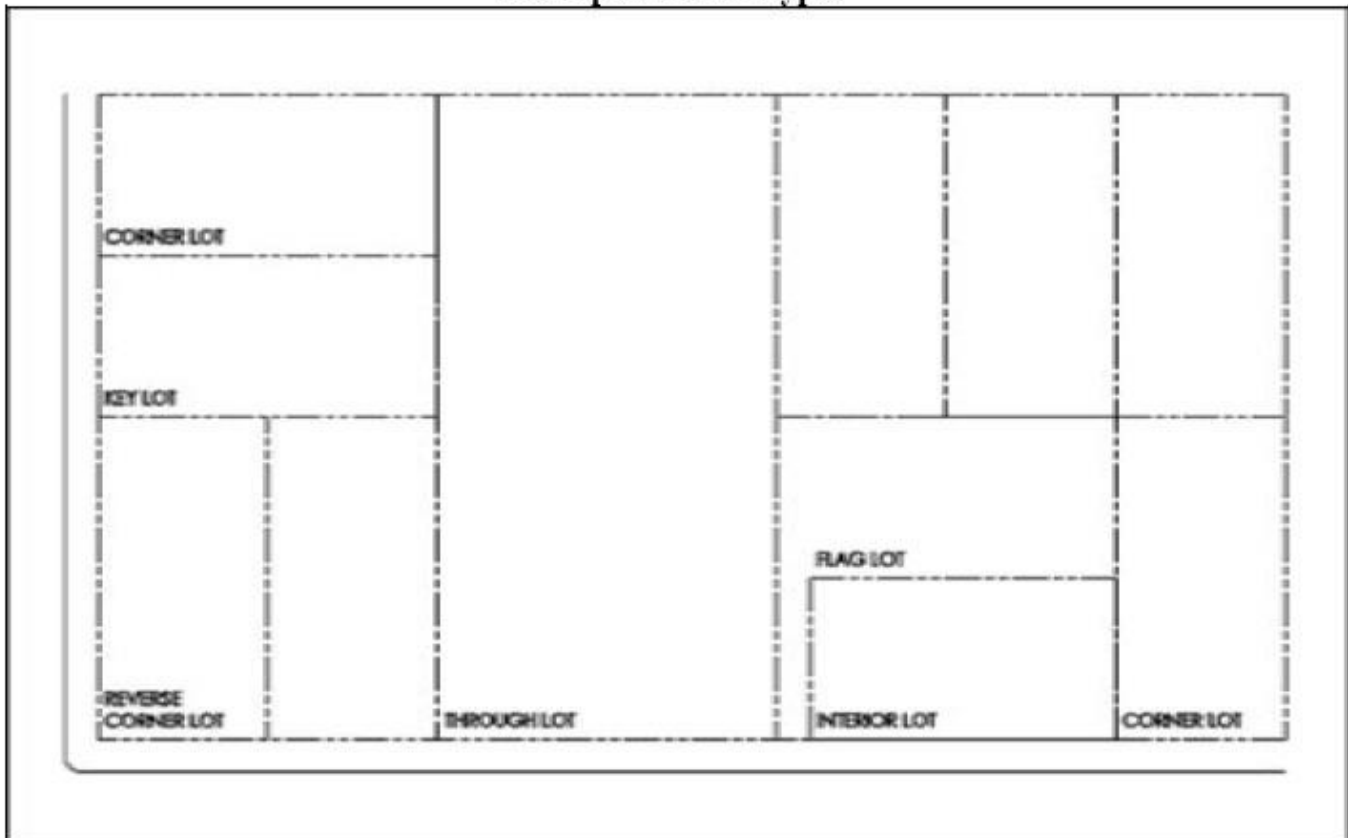


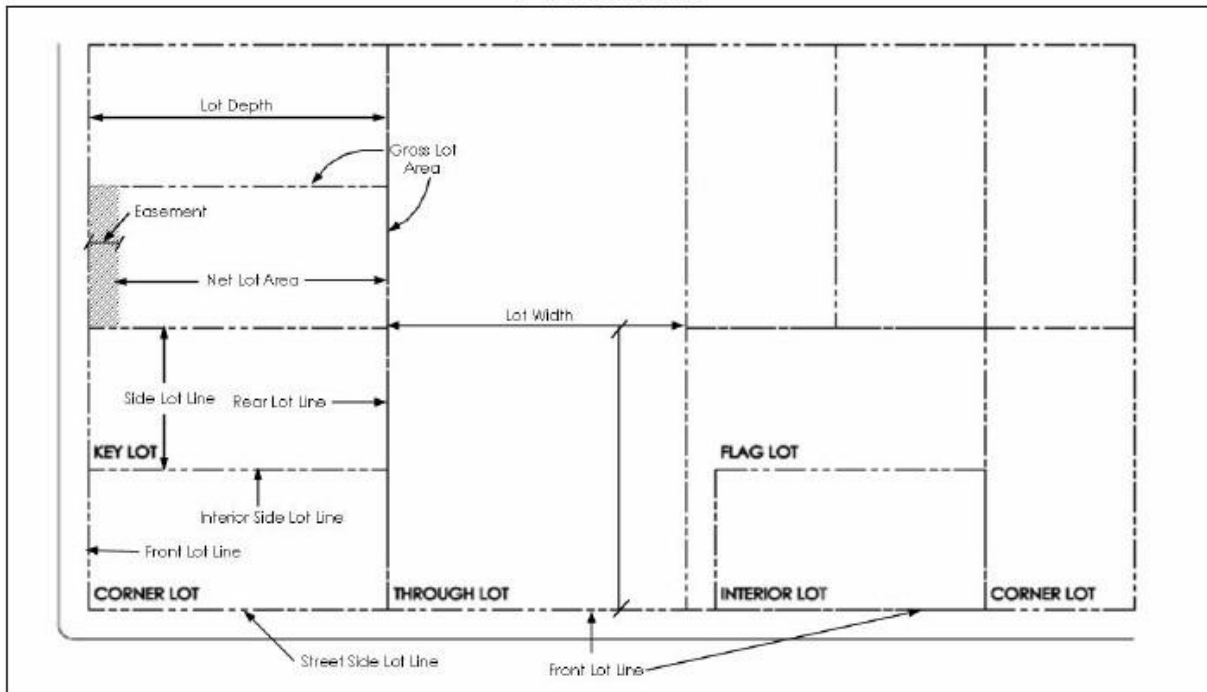
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Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Lot Width of irregular shaped lots may be determined through a Zoning Clearance. ~~The Director shall determine lot width for parcels of irregular shape.~~

**Figure 7-2
Lot Features**



Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use. Portions of a Site that are within the public right-of-way and restricted by easement, or similar instrument, to sidewalk, alley, or street uses shall not be considered a part of the Site.

Street Line. The boundary between a street right-of-way and property. Portions of a property that are within the public right-of-way and restricted by easement, or similar instrument, to sidewalk, alley, or street uses shall not be considered a part of the property.

§ 17.320.035 – PARKING DESIGN AND LAYOUT GUIDELINES

N. Special Parking Requirements for Residential Uses.

1. Driveway length. Except as otherwise allowed by this Title, w~~W~~ithin residential zoning districts, access for every parking space shall be provided by a paved driveway not less than 20 feet in length,

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measured from the end of the parking space to the nearest public or private street right-of-way line from which access to parking is provided, except uncovered spaces which may be located in accordance with Figure 3-11. In the R1 Zone, front-facing garages shall be set back at least 25 feet from the front property line.

2. Paving of street-facing setback. Within residential zoning districts, no more than 25% of any required setback facing a street shall be paved to provide access to on-site parking, unless paving of a larger area is required to comply with Subsection 17.320.035.C. (Parking Space and Lot Dimensions) above (e.g., to provide a standard 16-foot, double-wide driveway for a two-car garage within the 20-foot front setback area), or to comply with Table 3-5 of Subsection 17.320.035.N.3 (Residential Covered Parking Requirements). In addition to any required driveway paving in single-family, two-family and three-family residential projects, additional paving may be allowed for a pedestrian pathway leading to the entrance of the development provided the pedestrian path is not more than 4 feet in width. If the pedestrian path is not connected to the driveway, it shall be separated from the driveway by a minimum width of 3 feet and landscaped. If the pedestrian pathway is connected to the driveway, the maximum length of the connection shall not exceed 4 feet. Vehicles shall not be parked between the street property line and the front or side of a residential unit except on a driveway leading to a garage or carport, or on a designated uncovered parking space.

3. Covered parking. All parking shall comply with the requirements of Table 3-5 Covered Parking Requirements.

Table 3-5
Residential Covered Parking Requirements

<i>Zoning District</i>	<i>Residential Unit(s)</i>	<i>Uncovered</i>	<i>1/2 Covered</i>	<i>Fully Covered</i>
R1 Zone (1)	Single family dwelling	[x]	[x]	[x]
R2, R3, RLD, RMD and RHD Zones (2)	Single family dwelling (alone)	[x]	[x]	[x]
R2, R33, RLD, RMD and RHD Zones (2)	Single family dwelling (plus one or more detached SFD, duplex or triplex)	[x]	[x]	[x]
R2, R3, RLD, RMD and RHD Zones	Duplex or triplex		[x]	
RLD, RMD and RHD Zones	Multiple family (4 or more units)		[x]	
CN, CG, CC, CD, and EWO Zones	Residential portion of a mixed use project			[x]
CN, CG, CC, CD, and EWO Zones	Live work unit		[x]	
All	Guest parking	[x]		
Notes:				

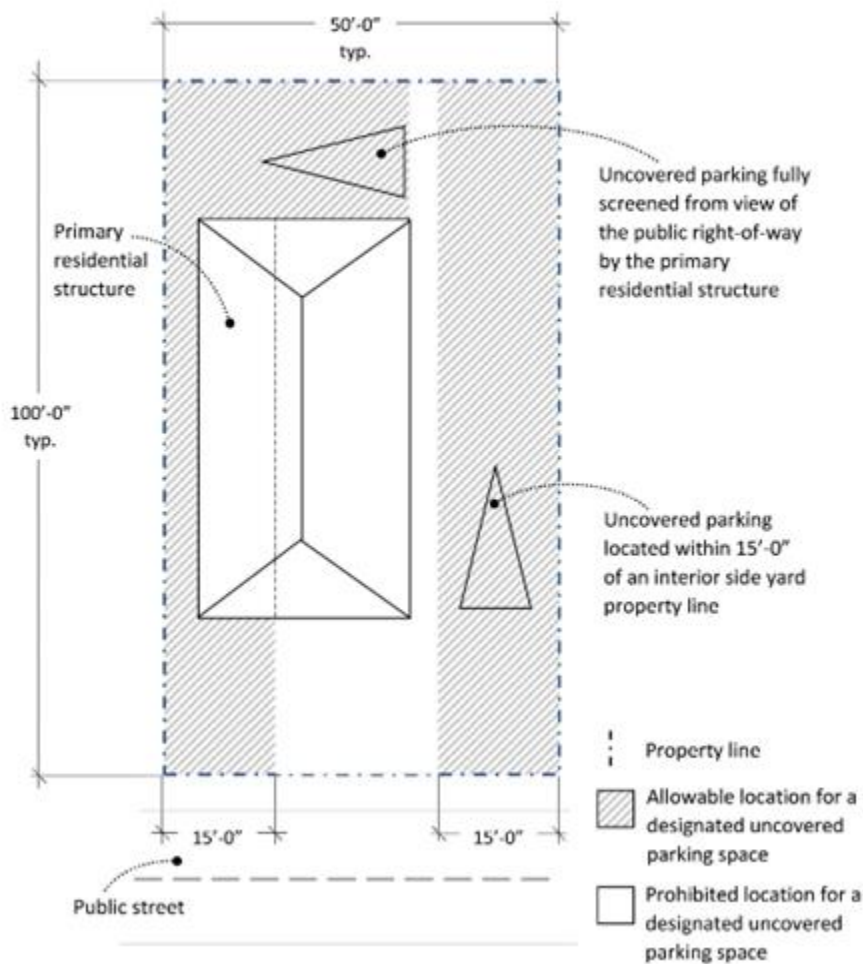
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(1) In all residential zones and on properties developed with stand-alone residential uses, any uncovered parking provided shall be placed within 15 feet of a maximum of one interior side yard property line and/or shall be fully screened from view of the public street right-of-way by the primary structure. Front yard-facing parking not located within 15 feet of an interior side yard property line shall be fully covered and enclosed. See Figure 3-11 (Allowable Residential Uncovered Parking Placement) below.

Figure 3-11 Allowable Residential Uncovered Parking Placement



§ 17.610.020 NONCONFORMING STRUCTURES.

A. Alterations or Additions. The construction, enlargement, expansion, extension, or reconstruction of a nonconforming structure shall be subject to the following.

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1. Increase in area. The work shall be allowed if it results in an increase or enlargement of the area, space, or volume of the structure only if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, staircase and landing area encroachments, and the requirements of the Uniform Building Code are met. New additions and replacement structures shall meet the setback and height requirements of the zoning district in which the nonconforming structure is located except replacement structures required pursuant to § 17.610.025 - Exemptions and Exceptions.

2. Improvements to nonconforming multiple-family and non-residential primary structure(s).

a. Major improvement defined. A **Major Improvement** is an improvement that will add 10% or more, with a minimum of 750 square feet, to the existing gross floor area of the multiple-family or non-residential structure(s) on the site, as determined by the Building Official.

b. Minor improvement defined. If the City determines that the estimated value of the work for which the permit is requested is equal to 10% or more of the replacement value of the multiple-family or non-residential structure(s) on the site, but at least \$50,000 (to be adjusted annually each July 1st to reflect the increase in the Consumer Price Index for all Urban Consumers, Los Angeles/Riverside/Orange County Area, as established by the U.S. Department of Labor for the period from March of the preceding year through March of the current year), it shall be considered a **Minor Improvement**. In application of this Section, “work value” and “replacement value” shall be determined as follows.

i. Work value. Each permit shall indicate the value of the work to be performed. If the Building Official believes the work value estimate indicated on the permit is too low, the Building Official shall estimate the value of the proposed work for the purpose of this calculation.

ii. Replacement value. The replacement value of an existing structure shall be determined using tables of reconstruction costs published by the International Conference of Building Officials. The type of construction is determined, and a cost per square foot is derived from the table. This cost is multiplied by the number of gross square feet in the structure to obtain the estimated reconstruction cost of the structure.

iii. Commercial revitalization area. If the proposed minor improvements include exterior building facade improvements to an existing structure located within an area designated by the Council as a Commercial Revitalization Area, the portion of the work value devoted to exterior building facade improvements shall not be included in determining the 10% or \$50,000 enforcement threshold for minor improvements.

c. Incidental improvements defined. An improvement that does not qualify as a major or minor improvement shall be considered an **Incidental Improvement**.

d. Requirements. Whenever a permit for a major improvement or minor improvement to an existing nonconforming structure is requested, the Director shall not approve the application unless the requirements of Table 6-1 (Requirements for Major and Minor Improvements) are met.

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Table 6-1		
Requirements for Major and Minor Improvements		
<i>Requirement</i>	<i>Major Improvement</i>	<i>Minor Improvement</i>
1. Any sign on the subject site shall be in compliance with Chapter 17.330 (Signs).	X	X
2. All roof equipment screening shall be provided in compliance with § 17.300.035 (Screening).	X	X
3. All trash enclosures shall be provided, subject to the approval of the Sanitation Manager and the Director.	X	X
4. Parking lot landscaping, paving, screening, and striping shall meet all City requirements.	X	X
5. Fences, walls, and hedges shall comply with § 17.300.030 (Fences, Hedges, and Walls).	X	X
6. The project shall conform to the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Commission.	X	X

3. Improvements, reconstruction, and new construction to nonconforming single-family, two- family, and three-family structure(s); accessory residential structures; and accessory dwelling units.

a. Reconstruction or partial reconstruction of a nonconforming single-family, two-family, and three-family structure; accessory residential structure; or accessory dwelling unit that is/are not subject to § 17.610.025 - Exemptions and Exceptions, and that results in more than 50% demolition of both of the exterior wall surface area and building footprint, (measured from exterior wall to exterior wall), shall be completely reconstructed in conformance with current code required setbacks, and height. For purposes of this section, exterior wall surface area shall mean full height exterior walls from grade to roof including existing framing, exterior sidings, and interior sidings of said exterior walls.

b. If over a five (5) year period, the cumulative demolition of a nonconforming single- family, two-family, and three-family structure; accessory residential structure; or accessory dwelling unit exceeds 50% of both the exterior wall surface area and building footprint, (measured from exterior wall to exterior wall), that is/are not subject to § 17.610.025 - Exemptions and Exceptions, then the nonconforming single-family, two- family, and three-family structure; accessory residential structure; or accessory dwelling, shall be completely reconstructed in conformance with current code required setbacks, and height. For purposes of this section, exterior wall surface area shall mean full height exterior walls from grade to roof including existing framing, exterior sidings, and interior sidings of said exterior walls.

c. Through Lots with Frontages on both Charles Avenue and Milton Avenue. Partial reconstruction, and/or additions to an existing legal non-conforming detached accessory residential structure on through lots with frontages on both Charles Avenue and Milton Avenue may be

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permitted in accordance with the following standards, provided 1) the work does not result in demolition exceeding the thresholds established in Subsection A.3.a or A.3.b, and/or 2) the accessory residential structure has not been previously modified pursuant to this Subsection A.3.c. In cases where this Subsection A.3.c does not apply, the work shall comply with the setback requirements in Section 17.400.100 – Accessory Residential Structures, driveway length standards in Section 17.320.035.N, and all other applicable code standards.

i. Existing legal non-conforming detached accessory residential structures may be partially reconstructed in the same location and to the same dimensions as the existing accessory residential structure.

ii. In addition, when there is an expansion of floor area of an existing legal non-conforming detached accessory residential structure, the proposed expansion may continue the horizontal building plane of the existing structure provided the proposed expansion is no greater than 12 feet in height, complies with the required side setback for the applicable zoning district, and provides a minimum 2-foot setback from one front lot line along the property line that is of greater distance from the primary residence and/or the property line separating the parcel from the street of a higher classification or designation.

iii. The existing legal non-conforming driveway length may be continued in conjunction with partial re-construction of an existing legal non-conforming detached garage pursuant to this Section. Modifications to an existing garage opening that result in a conforming minimum opening clearance in accordance with Section 17.320.035.C (Parking Space and Lot Dimensions) shall be permitted without requiring conformance to current driveway length standards.

iv. The accessory residential structure shall comply with all other applicable code standards required by this Title.

(Ord. No. 2005-007 § 1 (part); Ord. No. 2013-005 § 2 (part); Ord. No. 2019-004 § 2 (part))