

# City of Costa Mesa

## Inter Office Memorandum

**To:** City Council  
**From:** Kimberly Brandt, Principal Planner  
**Date:** August 9, 2005  
**Subject:** Canopies in Residential Zones

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At your August 2, 2005 meeting, you requested additional information regarding the City's Municipal Code provisions for regulating canopies in residential zones.

The regulation of canopies is contained in Title 20, PROPERTY MAINTENANCE. An excerpt of the existing code section is attached. In summary, the use of canopies is only permitted in commercial zones, and specific allowances are stated for car washes, motor vehicle detailing businesses, and motor vehicle dealerships. All other uses not specified require Planning Commission approval of a conditional use permit. Staff has interpreted the conditional use permit requirement to apply to canopies located in residential zones. Therefore, a minor amendment to the Municipal Code is required to allow these canopies by "right".

Staff will prepare an ordinance for consideration at your September 20, 2005 meeting to allow decorative canopies in residential zones. In the interim, the Development Services Director will defer punitive enforcement of this code section given that the existing cases are not the result of neighbor's complaints, do not represent a threat to the community's "health, safety, or welfare", and there is a small number of them.

Please contact me at (714) 754-5604 if you have any questions.

cc: City Manager  
Assistant City Manager  
Deputy City Manager- Dev. Svs. Director  
Building Official  
Chief of Code Enforcement

Mr. Ed Eyerman  
515 Traverse Drive  
Costa Mesa, CA 92626

Ms. Marie Aiken  
519 Traverse Drive  
Costa Mesa, CA 92626

## ATTACHMENT A- TITLE 20 EXCERPT

### “ARTICLE 4.5. CANOPIES

#### Section 20-11.5. Use of canopies.



The use of canopies is limited to commercial zones or uses specified herein below. A conditional use permit is required for any use not designated in this section. For the purposes of this provision, a canopy is defined as a canvas covering or other durable fabric such as denim or polyvinyl, that is designed for use or custom fitted over a metal frame or a frame constructed from some other sturdy material and used for protection, shade, or shelter from the elements and open on at least one side.-

#### (a) Non-Residential Properties:

(1) **Car Washes and Motor Vehicle Detailing Businesses.** A maximum of one canopy is allowed on the same premises and in conjunction with a legally established car wash or motor vehicle detailing business provided it complies with all of the following standards:

- a. The canopy shall not exceed 25 feet by 50 feet in dimension and 15 feet in height.
- b. The canopy shall not be located in any required street or landscape setback area or interfere with the parking lot access and/or vehicular circulation.
- c. The canopy shall cover no more than five standard size parking spaces, as defined in Title 13 of this code.
- d. No signage, decals, logos or advertising of any nature shall be allowed on the canopy.
- e. The frame of the canopy shall be safely secured to the ground in accordance with the manufacturer's installation instructions.
- f. No electrical wiring and/or lighting, whether permanent or portable, shall be attached to the canopy.
- g. The area under the canopy shall only be used for motor vehicle detailing and the temporary parking of operative motor vehicles for services associated with either the car wash or detailing business.
- h. The canopy shall be maintained in good condition, and shall be removed, cleaned, or replaced if torn, faded, or dirty
- i. Canopies covering an area of 400 square feet or larger require issuance of a fire permit.

(2) **New and/or Used Motor Vehicle Dealerships.** A maximum of two canopies are allowed in conjunction with a legally established new and/or used motor vehicle dealership, provided the canopy(s) comply with all of the following standards:

- a. The canopy(s) shall not exceed 50 feet by 100 feet in dimension, with an aggregate total of 5,000 square feet in area and shall not exceed 25 feet in height.
- b. The canopy(s) shall be located within the automobile sales display or service area, and the canopy(s) shall not be located in any required street or landscape setback area or interfere with the parking lot access and/or vehicular circulation.
- c. No signage, decals, logos, or advertising of any nature shall be allowed on the canopy.
- d. The area under the canopy shall be used only for the temporary parking of operative motor vehicles that are on the premises in conjunction with the business.
- e. The frame of the canopy shall be safely secured to the ground in accordance with the manufacturer's installation instructions.
- f. Any electrical wiring and/or lighting, whether permanent or portable, attached to the canopy shall comply with all applicable provisions of the Uniform Electrical Code.
- g. Automobile mechanical repair is prohibited under a canopy or on any open parking area. Motor vehicle detailing, not including mechanical repair, is an acceptable use under a canopy.
- j. The canopy shall be maintained in good condition, and shall be removed, cleaned, or replaced if torn, faded, or dirty
- h. Canopies covering an area of 400 square feet or larger require issuance of a fire permit."