



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: SEPTEMBER 20, 2005

ITEM NUMBER:

**SUBJECT: ORDINANCE AMENDING TITLE 20 REGARDING CANOPIES ON RESIDENTIAL PROPERTIES.**

**DATE:** SEPTEMBER 8, 2005

**FROM:** DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

**PRESENTATION BY:** KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT (714) 754-5604

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## **RECOMMENDATION:**

Give first reading to the attached ordinance that amends the Property Maintenance Code (Title 20), regarding canopies on residential properties.

## **BACKGROUND:**

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 included in Attachment 2. 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 require Planning Commission approval of a conditional use permit. Staff has interpreted the conditional use permit requirement to apply to canopies located on residential properties. Therefore, a minor amendment to the Municipal Code is required to allow these canopies by "right".

## **ANALYSIS:**

Currently on the market, there are several canopy structures that are designed for residential use and readily available at home improvement centers and large retailers. Although a canopy may be left up year-round, these structures are technically "temporary" in that they do not require a permanent foundation or footings. Therefore, a canopy is not subject to building setback requirements and does not require a building permit.

This proposed ordinance would allow canopies on residential properties in areas that are either wholly or partially screened from the public right-of-way by a building and/or solid, opaque wall or fence that is a minimum of 6 feet in height. Figure 1 gives examples of canopies that would be allowed pursuant to the proposed code change and examples of canopies that would not be allowed.

Attachment 1 contains the ordinance that amends the necessary sections of Title 20 Property Maintenance. The proposed text changes are indicated with an underline.

**ALTERNATIVES CONSIDERED:**

Council may choose to do any of the following:

1. Give first reading to the ordinance as recommended by staff;
2. Modify any of the recommended changes to the Municipal Code; or
3. Take no action on the ordinance, and thereby retain the City’s current municipal code provisions that require a conditional use permit for canopies to placed on residential properties.

**FISCAL REVIEW:**

This ordinance does not require any fiscal review.

**LEGAL REVIEW:**

Legal review of the ordinance by the City Attorney’s Office is pending and will be given verbally at the public hearing.

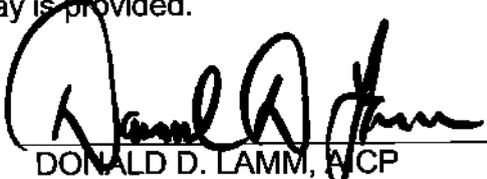
**ENVIRONMENTAL DETERMINATION**

This code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

**CONCLUSION:**

The ordinance will allow the placement of canopies on residential properties provided adequate screening from the public right-of-way is provided.

  
 \_\_\_\_\_  
 KIMBERLY BRANDT, AICP  
 Principal Planner

  
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 DONALD D. LAMM, AICP  
 Deputy City Mgr. – Dev. Svs. Director

- DISTRIBUTION:
- City Manager
  - Assistant City Manager
  - City Attorney
  - Deputy City Manager – Dev. Svs. Director.
  - Public Services Director
  - Building Official
  - Chief Code Enforcement Officer
  - City Clerk (2)
  - Staff (4)
  - File (2)

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

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

- ATTACHMENTS:
- 1 Strike-through Ordinance
  - 2 Current Municipal Code text excerpts
  - 3 Figure 1

File Name: 092005Canopies	Date: 090605	Time: 11:00 a.m.
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**ATTACHMENT 1**  
**STRIKE-THROUGH ORDINANCE**

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING CANOPIES ON RESIDENTIAL PROPERTIES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 20 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 20-11.5 as follows:

**“Section 20-11.5. Use of canopies.**

The use of canopies is limited to residential properties and commercial zones or uses as 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, excluding umbrellas, and used for protection, shade, or shelter from the elements and open on at least one side.

b. Amend Section 20-11.5 to add subparagraph (b):

**(b) Residential Properties.** Any canopy located on a residential property shall be partially or wholly screened from the public right-of-way by either a building and/or solid, opaque wall or fence that is a minimum 6 feet in height.”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council

hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

Mayor

\_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE) ss  
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa

## **ATTACHMENT 2**

### **CURRENT MUNICIPAL CODE TEXT EXCERPTS**

**TITLE 20, Property Maintenance code 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:

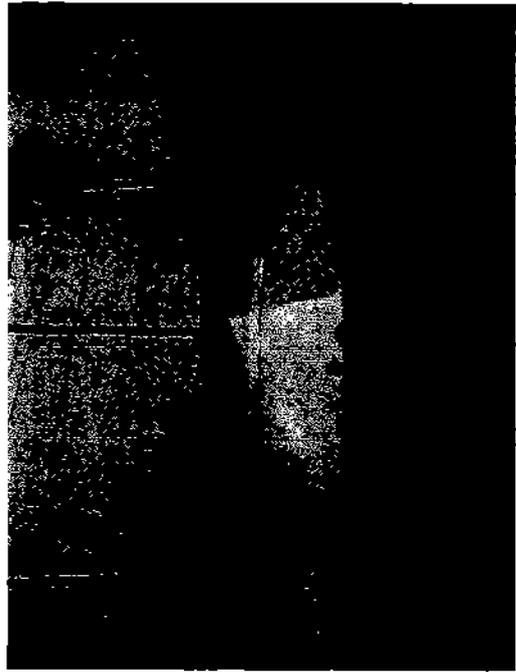
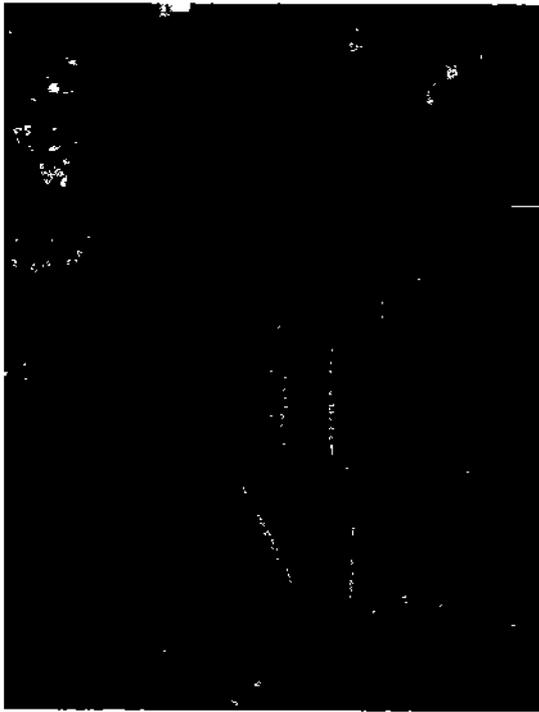
- a. The canopy shall not exceed 25 feet by 50 feet in dimension and 15 feet in height.
- b. The canopy shall not be located in any required street or landscape setback area or interfere with the parking lot access and/or vehicular circulation.
- c. The canopy shall cover no more than five standard size 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."

**FIGURE 1**  
**EXAMPLES OF CANOPIES THAT WOULD BE ALLOWED WITH PROPOSED CODE CHANGE:**



**FIGURE 1 (CONTINUED)**  
**EXAMPLES OF CANOPIES THAT WOULD NOT BE ALLOWED WITH PROPOSED CODE CHANGE:**

