

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: July 27, 2009

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 17.71.060B OF THE PASADENA MUNICIPAL CODE RELATING TO TERMINATION OF NONCONFORMING USES BY DISCONTINUANCE

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 17.71.060B OF THE PASADENA MUNICIPAL CODE RELATING TO TERMINATION OF NONCONFORMING USES BY DISCONTINUANCE

PURPOSE OF ORDINANCE

At its meeting on June 8, 2009, the City Council directed staff to prepare an ordinance to clarify the timeline for legal nonconforming uses. This ordinance will amend Section 17.71.060B of the Pasadena Municipal Code to clarify the termination of a non conforming use because of discontinuance. The ordinance will remove those portions of the Municipal Code relating to the intent to discontinue a use and will instead clarify that a nonconforming use will lose its nonconforming status if it is discontinued for any reason for a continuous period of 12 months.

REASON WHY LEGISLATION IS NEEDED

The City's Zoning Code is codified in the Pasadena Municipal Code and may only be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department implements the Zoning Code.

FISCAL IMPACT

Adoption of this ordinance will have no fiscal impact.

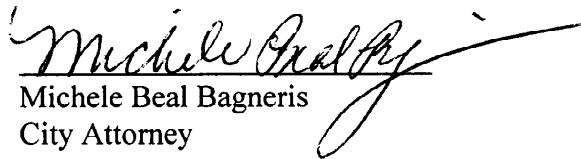
08/03/2009
MEETING OF 07/27/2009
AGENDA ITEM NO. 8.A.1. 8.B.1

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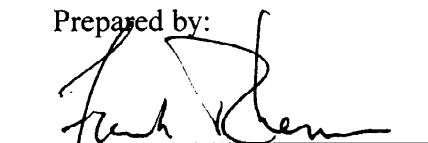
ENVIRONMENTAL DETERMINATION

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

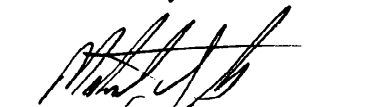
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Frank Rhemrev
Assistant City Attorney

Concurred by:


Michael Beck
City Manager

Introduced by _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING
SECTION 17.71.060B OF THE PASADENA MUNICIPAL CODE
RELATING TO TERMINATION OF NONCONFORMING
USES BY DISCONTINUANCE**

The People of the City of Pasadena ordain as follows:

SECTION 1. Title 17, Article 7, Chapter 17.71, Section 17.71.060, subsection B, entitled “Termination by discontinuance”, is hereby amended in its entirety to read as follows:

“B. Termination of nonconforming use by discontinuance.

1. Without any further action by the City, a nonconforming use, shall lose its nonconforming status and shall not be reestablished if the nonconforming use is discontinued for any reason for a continuous period of at least 12 months.

2. A nonconforming use within a structure shall also lose its nonconforming status if the structure is moved any distance on the site for any reason, or is removed from the site.

3. The determination of discontinuance shall be supported by evidence satisfactory to the Zoning Administrator (such evidence includes but is not limited to the following: the removal of equipment, furniture, machinery, structures, and/or other components of the nonconforming use;

the disconnection of previously connected utilities; or where there are no business receipt/records or necessary licenses available to provide evidence that the use is in continual operation.)

4. In an appeal of the Zoning Administrator's determination that the use has lost its nonconforming status by discontinuance, the appellant shall be required to present evidence satisfactory to the Zoning Administrator showing that the use is in continual operation.

5. The use of the site after the discontinuance or removal of a nonconforming use shall comply with all current requirements of this zoning code and the subject zoning district.

6. This Section shall not apply to uses which do not comply with the residential density regulations for the subject zoning district.”

SECTION 2. This ordinance shall take effect upon the expiration of thirty days from its publication.

Signed and approved this _____ day of July, 2009

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its regular meeting held on _____, 2009, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Frank L. Rhemrev
Assistant City Attorney