

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE TITLED I INDUSTRIAL DISTRICTS
(ZONING TEXT AMENDMENT NO. 19-002)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 19-002, which amends Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional land use controls utilized within Industrial Districts of the ZSO.

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance titled I Industrial Districts is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 211 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

Community Development Director

Exhibit A: Legislative Draft

212.04 IG, IL, and RT Districts—Land Use Controls

In the following schedules, letter designations are used as follows:

“P” designates use classifications permitted in the Industrial Districts.

“L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” which follow.

“PC” designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

“ZA” designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

“TU” designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.

“P/U” for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the “Additional Provisions” column refer to requirements following the schedule or located elsewhere in this zoning code. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

IG, IL, and RT Districts: Land Use Controls

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary use permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

	IG	IL	RT	Additional Provisions
Residential				
Group Residential	PC	PC	PC	(I)
Public and Semipublic				(A)(L)
Community and Human Service Facilities	P	P	P	(K)
Day Care, General	ZA	ZA	ZA	
Heliports	PC	PC	PC	(N)

	IG	IL	RT	Additional Provisions
Maintenance & Service Facilities	ZA	ZA	ZA	
Public Safety Facilities	P	P	P	
Religious Assembly	ZA	ZA	ZA	
Schools, Public or Private	L-6	L-6	L-6	
Utilities, Major	PC	PC	PC	
Utilities, Minor	L-7	L-7	L-7	(O)
Commercial Uses				(D)(L)
Ambulance Services	ZA	ZA	ZA	
Animal Sales and Services				
Animal Boarding	ZA	ZA	ZA	
Animal Hospitals	ZA	ZA	ZA	
Artists' Studios	P	P	P	
Banks and Savings and Loans	L-1	L-1	L-1	
Building Materials and Services	P	P	P	
Catering Services	-	P	P	
Commercial Filming	ZA	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	PC	
Communication Facilities	L-12	L-12	L-12	
Eating & Drinking Establishments	L-2	L-2	L-2	
w/Live Entertainment	ZA	ZA	ZA	(R)
w/Alcohol	ZA	ZA	ZA	
Food & Beverage Sales	ZA	ZA	ZA	
Hospitals and Medical Clinics	-	PC	PC	
Laboratories	P	P	P	
Maintenance & Repair Services	P	P	P	
Marine Sales and Services	P	P	P	
Nurseries	P	P	P	
Offices, Business & Professional	L-10	L-10	L-10	(C)
Personal Enrichment	L-9	L-9	L-9	
Personal Services	L-1	L-1	L-1	
Quasi-Residential	PC	PC	PC	(J)

	IG	IL	RT	Additional Provisions
Research & Development Services	P	P	P	
Sex-Oriented Businesses (regulated by Ch. 5.70)	L-11	L-11	L-11	
Sex-Oriented Businesses (regulated by Ch. 5.60)	PC	PC	PC	(Q)
Swap Meets, Indoor/Flea Markets	PC	PC	PC	(P)
Vehicle/Equipment Sales & Services				
Service Stations	L-4	L-4	L-4	
Vehicle/Equipment Repair	P	P	P	
Vehicle/Equipment Sales/Rentals	L-5	L-5	L-5	
Vehicle Storage	P	ZA	PC	(H) **
<u>Vehicle Storage, Impound Yards</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>(T)</u>
<u>Vehicle Storage, Off-Site Auto Dealers</u>	<u>P/ZA</u>	<u>P/ZA</u>	<u>P/ZA</u>	<u>(H) (U)</u> <u>(W)</u>
<u>Vehicle Storage, Recreational Vehicles</u>	<u>P/ZA</u>	<u>P/ZA</u>	<u>P/ZA</u>	<u>(H) (V)</u>
Visitor Accommodations	ZA	ZA	ZA	
Warehouse and Sales Outlets	L-8	L-8	L-8	
Industrial (See Chapter 204)				(B)(L)(M)
Industry, Custom	P	P	P	
Industry, General	P	P	P	
Industry, Limited	P	P	P	
Industry, R & D	P	P	P	
Wholesaling, Distribution & Storage	P	P		
150,000 square feet or less	P	P	P	
Greater than 150,000 square feet	P	P	ZA	
RT Flex Space	-	-	P	
Alcoholic Beverage Manufacturing	P	P	P	(L-13)
Accessory Uses				
Accessory Uses and Structures	P/U	P/U	P/U	(C)
Temporary Uses				
Commercial Filming, Limited	P	P	P	(S)
Real Estate Sales	P	P	P	
Trade Fairs	P	P	P	(E)

	IG	IL	RT	Additional Provisions
Nonconforming Uses				(F)

IG, IL, and RT Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

- A. Minimum site area: three acres.
- B. Maximum commercial space: 35% of the gross floor area and 50% of the ground floor area of buildings fronting on an arterial highway.
- C. Phased development: 25% of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include five percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

L-2 Permitted only when designed and operated for principal use by employees of the surrounding industrial development as an ancillary use to a primary industrial use. When designed for general public use, permitted after considering vehicular access and complying with minimum parking requirements.

L-3 Reserved.

L-4 Only fueling stations offering services primarily oriented to businesses located in an Industrial District are allowed with a conditional use permit by the Planning Commission.

L-5 No new or used automobile, truck or motorcycle retail sales are permitted.

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No elementary or secondary schools are permitted.

L-7 Recycling operations as an accessory use are permitted if more than 150 feet from R districts; recycling operations as an accessory use less than 150 feet from R districts or recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. See Section 230.44, Recycling Operations.

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.

L-9 Permitted if the space is 5,000 square feet or less; allowed by conditional use permit from the Zoning Administrator if the space is over 5,000 square feet.

L-10 Accessory administrative, management, regional or headquarters offices incidental to a primary industrial use within the IG and IL Districts are limited to 10% of the floor area of the primary industrial use. Accessory office uses incidental to a primary use within the RT District are limited to 30% of the floor area of the primary use.

Accessory office spaces exceeding the limits above shall require a conditional use permit to the Zoning Administrator supported by a parking demand study for all uses on site.

Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any Industrial District.

L-11 Allowed subject to the following requirements:

A. A proposed sex-oriented business shall be at least 500 feet from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a “sensitive use”) and at least 750 feet from another sex-oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex-oriented business to the lot line of the sensitive use or the other sex-oriented business. The term “residential use” means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex-oriented business is proposed which includes all the proposed parking and:

1. The lot line of any other sex-oriented business within 750 feet of the lot line of the proposed sex-oriented business; and
2. The lot line of any building used for religious assembly, school, or park and recreational facility within 500 feet of the lot line of the proposed sex-oriented business; and
3. The lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within 500 feet of the lot line of the proposed sex-oriented business.

B. The front façade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Community Development Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 10 days of submittal, the director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within 10 days. Within 30 days of receipt of a completed application, the director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking and Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.
2. Section 233.08(B), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance except
 - a. Such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict “specified anatomical areas” or “specified sexual activities”; and

b. Only the smallest of the signs permitted under Section 233.08(B) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.

3. Compliance with Huntington Beach Municipal Code Chapter [5.70](#).

D. The director shall grant or deny the application for a sex-oriented business zoning permit for a sex-oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.

E. Ten working days prior to submittal of an application for a sex-oriented business zoning permit for staff review, the applicant shall: (1) cause notice of the application to be printed in a newspaper of general circulation; and (2) give mailed notice of the application to property owners within 1,000 feet of the proposed location of the sex-oriented business; and the City of Huntington Beach, Department of Community Development by first class mail.

The notice of application shall include the following:

1. Name of applicant;
2. Location of proposed sex-oriented business, including street address (if known) and/or lot and tract number;
3. Nature of the sex-oriented business, including maximum height and square footage of the proposed development;
4. The City Hall telephone number for the Department of Community Development to call for viewing plans;
5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from staff review submittal; and
6. The address of the Department of Community Development.

F. A sex-oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.

G. A sex-oriented business zoning permit shall become null and void one year after its date of approval unless:

1. Construction has commenced or a certificate of occupancy has been issued, whichever comes first; or
2. The use is established.

H. The validity of a sex-oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the director of the transfer.

I. A sex-oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

L-12 For wireless communication facilities see Section 230.96, Wireless Communication Facilities. All other communication facilities permitted.

L-13 Alcoholic Beverage Manufacturing Requirements

1. Alcoholic Beverage Manufacturing uses without eating and drinking for public sales or service are permitted.
2. A maximum 1,000 square feet of indoor and/or outdoor eating and drinking area per business shall be permitted through an Administrative Permit with Neighborhood Notification pursuant to Chapter 241.
3. Indoor and/or outdoor eating and drinking areas greater than 1,000 square feet per business shall require a conditional use permit by the Zoning Administrator.

(A) Repealed.

(B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.

(C) Accessory office uses greater than the maximum allowable percentage of the floor area of the primary industrial use shall require a conditional use permit from the Zoning Administrator and a parking demand study demonstrating the adequate provision of on-site parking for all uses contained onsite.

(D) In IG and IL Districts only, commercial space excluding business and professional office, not to exceed 25% of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, and the primary industrial fronts on an arterial.

(E) See Section 241.22, Temporary Use Permits.

(F) See Chapter 236, Nonconforming Uses and Structures.

(G) Reserved.

(H) Permitted pursuant to an Administrative Permit if the property is 300 feet or more from a parcel used or zoned for residential development. Permitted pursuant to a conditional use permit from the Zoning Administrator if less than 300 feet from a parcel used or zoned for residential development.

~~Only in the IG and IL districts, automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission, and the following criteria:~~

~~(1) The site shall not be located within 660 feet of an R district.~~

~~(2) All special metal cutting and compacting equipment shall be completely screened from view.~~

~~(3) Storage yards shall be enclosed by a solid six-inch concrete block or masonry wall not less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.~~

~~(4) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.~~

~~**In the RT districts, automobile storage and/or impound yards are subject to the approval of a conditional use permit by the Zoning Administrator unless located within 300 feet of an R district. Within 300 feet of an R district, automobile storage and/or impound yards are subject to a conditional use permit by the Planning Commission. Auto storage uses on public agency owned property shall be permitted without a conditional use permit.~~

- (I) Limited to facilities serving workers employed on-site.
- (J) Limited to single room occupancy uses. (See Section 230.46.)
- (K) Limited to emergency shelters. (See Section 230.52, Emergency Shelters.)
- (L) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Community Development Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).
- (M) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than one-third of the site for outdoor operation.
- (N) See Section 230.40, Helicopter Takeoff and Landing Areas.
- (O) See Section 230.44, Recycling Operations.
- (P) See Section 230.50, Indoor Swap Meets/Flea Markets.
- (Q) See L-11(A) relating to locational restrictions.
- (R) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. Neighborhood Notification requirements when no entitlement required pursuant to Chapter 241.
- (S) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Community Development Director.

(T) In all districts, storage areas shall be screened from view on all sides by a solid wall made of either block, masonry, wood, vinyl or other similar material. The wall shall not be less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.

(U) In all districts, storage areas shall be screened from view on all sides adjacent to a public right of way by a solid wall made of either brick, block, masonry, wood, vinyl or other similar material. The wall shall include a minimum ten foot return on all sides. The wall shall not be less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.

(V) In all districts, storage areas shall be screened from view on all sides adjacent to a public right of way by a solid wall made of either block, masonry, wood, vinyl or other similar material. The wall shall include a minimum ten foot return on all sides. The wall shall not be less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.

Screening on the remaining sides shall be evaluated based on proposed site conditions as determined during the entitlement process.

(W) Auto storage uses on public agency owned property shall be permitted by right pursuant to submittal of a Parking Area Plan. See Section 231.26.

(3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, 3703-3/05, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10, 4039-12/14, 4092-10/16)