

ORDINANCE NO 5625

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANAHEIM
AMENDING ORDINANCE NO. 5444 RELATING TO SPECIFIC PLAN
ADJUSTMENT NO. 1 TO THE HOTEL CIRCLE SPECIFIC PLAN NO. 93-1
(CHAPTER 18.79 OF THE ANAHEIM MUNICIPAL CODE).

WHEREAS, pursuant to the procedures set forth in Chapter 18.93 of the Anaheim Municipal Code, on August 9, 1994, the City Council of the City of Anaheim adopted Ordinance No. 5443 amending the zoning map to reclassify certain real property described therein into the Hotel Circle Specific Plan No. 93-1 Zone subject to certain conditions as specified therein, and Ordinance No. 5444 relating to establishment of Zoning and Development Standards for the Hotel Circle Specific Plan No. 93-1 by the addition of Chapter 18.79 to said Code; and

WHEREAS, the Planning Commission, duly initiated Specific Plan Adjustment No. 1 at its regularly scheduled meeting of July 21, 1997; and

WHEREAS, the proposed amendments, which are designed to facilitate processing of projects, relate to standards addressing the final site plan review process, definitions, driveway widths, conditional uses, permitted encroachments, parking and signage; and

WHEREAS, on August 4, 1997, the Anaheim City Planning Commission considered and approved the proposed Adjustment No. 1 and recommended to the City Council that it adopt an ordinance incorporating said proposed adjustment; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the City Council has determined that the project is categorically exempt from CEQA under CEQA Guidelines Section 15061(b) (3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES ORDAIN AS FOLLOWS:

A. That Ordinance No. 5444 be, and the same is hereby, amended to revise the Zoning and Development Standards in Chapter 18.79 of the Anaheim Municipal Code as follows:

SECTION 1.

That subsection .010 of Section 18.79.040 of Chapter 18.79 of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended to read as follows:

".010 Implementation. The Specific Plan shall be implemented through the processing of and approval of Final Site Plans prior to the issuance of building permits for Permitted Primary and Accessory Uses and Structures, except as expressly provided in paragraph .0203 of subsection 18.79.040.020. For uses requiring a conditional use permit or a waiver of code requirements, Final Site Plans shall be submitted and reviewed for consistency with the Specific Plan in conjunction with the hearing on the conditional use permit or waiver."

SECTION 2

That subsection .020 of Section 18.79.040 of Chapter 18.79 of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended (to delete subparagraph .0201(b) and add paragraph .0203) to read as follows:

".020 Final Site Plan Approval. Final Site Plans (as described in this Section and hereinafter collectively referred to as the 'Final Site Plans') shall be processed in the following ways:

.0201 Process for Approval.

a) Planning Commission Review and Approval. Final Site Plans for Permitted Primary and Accessory Uses and Structures within the Specific Plan Area shall be submitted to the Planning Department for Planning Commission review as a Report and Recommendation item to determine if said plans are in substantial conformance with the Specific Plan and the provisions of this Chapter. The Planning Commission's decision shall be final unless appealed to the City Council within twenty two (22) days from the date of the Commission's decision.

.0202 Content of Final Site Plan Submittal. Final dimensioned site plans shall contain the following information for the City's review:

a) Location of existing property lines, lot line adjustments, if any, and existing and prospective easements.

b) Proposed uses of property, location of buildings, vehicular and pedestrian circulation parking areas (including buses, parking structures, and landscape and open space areas.

c) Proposed Building Floor Plans and Elevations-including building materials and colors.

d) Preliminary landscaping plans-indicating the extent, location, size and type of proposed landscaping.

e) Tabulation of parking count, square footage of buildings.

f) Fence and wall locations-indicating the type and height of fencing proposed along any lot line, or any screen walls within the site.

g) Signage plans-indicating the proposed signage program and including, but not limited to, any identification, business or other signs; and specifying the size, height, location, color, material and lighting of such signs.

h) Conceptual grading and drainage plans showing finished floor elevations.

i) Service areas (including details of trash pick-up).

j) Utility locations (above and below ground).

k) Structural height plans, elevations and cross-sections demonstrating compliance with height provisions of this Code.

l) Lighting plans.

m) Roof and ground-mounted equipment location and screening treatment.

.0203 Final Site Plan Exemptions. The following are exempt from the Final Site Plan review and approval process:

a) Interior building alterations, modifications or improvements which do not result in an increase in the gross square footage of the building.

b) Minor building additions or improvements interior to or at the rear of a building or development complex which are not visible from the public right-of-way; do not exceed 5% of the gross square footage of the existing buildings or 1,000 gross square feet, whichever is the lesser; are in substantial conformance with the building envelope; and, are in conformance with the Design Plan and the Zoning and Development Standards set forth in this Chapter.

c) Signage, including Anaheim Resort freestanding monument signs, wall signs, and on-site directional signs, except as provided for in paragraph 18.79.145.020 entitled, "CONDITIONALLY PERMITTED SIGNS" of this Chapter, and which signs are in conformance with the Design Plan and the Zoning and Development Standards set forth in this Chapter.

d) Landscape improvements or modifications which are not in connection with building modifications which require Final Site Plan review and approval.

e) The above-noted plans shall be submitted to the Building Division of the Planning Department and shall be reviewed for conformance with all applicable provisions of the Specific Plan prior to the issuance of building, landscape or signage permits."

SECTION 3.

That subsection .020 of Section 18.79.060 of Chapter 18.79 of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended to read as follows:

".020 Restaurants (enclosed, semi-enclosed, theme style and walk-up), with or without sale of alcoholic beverages for on-premises consumption, as defined in Section 18.79.030 entitled, "R" WORDS, TERMS AND PHRASES, of this Code. Restaurants allowed as permitted uses shall be full service establishments. Such establishments may provide take-out service, but as a limited, ancillary function only."

SECTION 4.

That subsection .203 of Section 18.79.090 of Chapter 18.79 of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended to read as follows:

".203 Uses or activities not listed, nor specifically prohibited in this Chapter, which are determined by the Planning Commission to be consistent and compatible with the intent of the Specific Plan."

SECTION 5.

That subsection .030 of Section 18.79.113 of Chapter 18.79 of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended to read as follows:

".030 Fences, Walls and Hedges in Interior Lot Line Setback Areas. Fences, walls and hedges not exceeding eight

(8) feet in height shall be permitted in any required interior lot line setback area but shall not protrude into any required setback area abutting a public street and shall be planted with either clinging vines or fast growing shrubs.

SECTION 6.

That subsection .200 of Section 18.79.120 of Chapter 18.79 of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended to read as follows:

".200 Driveway Width Dimensions. Driveways shall be a minimum of twenty-three (23) feet wide, and a maximum of thirty-five (35) feet wide, with wider widths subject to the approval of the City Traffic and Transportation Manager."

SECTION 7.

That subsection .060 of Section 18.79.140 of Chapter 18.79 of the Anaheim Municipal Code be, and the same is hereby, amended (to revise the introductory paragraph) to read as follows:

".060 Legal Nonconforming Signs - Continuation and Termination. Any legal nonconforming sign or sign structure in existence on the effective date of this Chapter which violates or otherwise does not conform to the provisions hereof shall be removed, altered or replaced so as to conform to the requirements of this Chapter (hereinafter the "abatement") within five (5) years after the date said sign first becomes nonconforming to the provisions of this Chapter, or on or before December 31, 2002, whichever is later; provided, however, in no event shall such abatement be required unless and until the owner of said sign has received not less than one (1) year's advance written notice from the Planning Director of the City of Anaheim requiring the removal or alteration of the sign.

.0601 Any advertising display which was lawfully erected, but whose use has ceased, or the structure upon which the display exists has been abandoned by its owner, for a period of not less than ninety (90) days, shall be removed, altered or replaced so as to conform to the provisions of this chapter within six (6) months from the date of receipt of a written order of abatement from the Planning Director of the City requiring such abatement. Costs incurred by the City in removing an abandoned display shall be borne by or charged to the legal owner of the real property upon which said sign is located.

.0602 Any advertising display structure which has been more than fifty percent (50%) destroyed, and the destruction is other than facial copy replacement, and said structure cannot be repaired within thirty (30) days of the date of its destruction, shall be removed, altered or replaced so as to conform to the provisions of this chapter within six (6) months from the date of receipt of a written order of abatement from the Planning Director of the City requiring such abatement.

.0603 Any advertising display whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expands or enlarges the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement, or remodeling, or the cost of construction, enlargement or remodeling of the advertising display exceeds fifty percent (50%) of the cost of reconstruction of the building shall remove, alter or replace such sign so as to conform to the requirements of this chapter in conjunction with said project.

.0604 Any advertising display whose owner seeks approval of the relocation thereof and relocates the advertising display shall relocate such sign within six (6) months of the approval of such relocation.

.0605 Any advertising display for which there has been an agreement between the advertising display owner and the city for its removal as of any given date shall be removed per said agreement.

.0606 Any temporary advertising display erected pursuant to a special events permit issued by the city shall be removed as specified under Section 18.05.070 entitled "TEMPORARY SIGNS, FLAGS, BANNERS AND BALLOONS--GENERAL" of the Anaheim Municipal Code or within such other time as expressly authorized by the city.

.0607 Any advertising display which is an immediate danger to the public health or safety shall be removed, altered or replaced so as to conform to the requirements of this chapter within thirty (30) days from the date of receipt of a written order of abatement from the Planning Director of the City requiring such removal or alteration.

.0608 Any advertising display which in the opinion of the City Traffic and Transportation Manager

constitutes a traffic hazard not created by relocation of streets or highways or by acts of the City shall be removed, altered or replaced so as to conform to the requirements of this chapter within thirty (30) days from the date of receipt of a written order of abatement from the Planning Director of the City requiring such removal or alteration.

.0609 Any other advertising display for which the City is exempt from the payment of compensation in conjunction with requiring its removal as specified in Chapter 2.5 of Division 3 of the Business and Professions Code of the State of California, or any successor provisions thereto shall be subject to removal as specified in said code."

SECTION 8.

That new Section 18.79.148 be, and the same is hereby, added to Chapter 18.79 of Title 18 of the Anaheim Municipal Code to read as follows:

"18.79.148 - Anaheim Resort Nonconforming Signage Program - Replacement Signs. Notwithstanding the foregoing, for participants in the Anaheim Resort Nonconforming Signage Program, modifications (size, location, design) to freestanding monument signs and wall signs may be permitted subject to the approval of the Planning Director to comply with the Anaheim Resort Nonconforming Signage Program adopted by resolution of the City Council. The Planning Director's decision shall be final unless appealed to the City Council within ten (10) days from the date of such decision."

SECTION 9.

SEVERABILITY

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this ordinance of the Code, hereby adopted, be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 10.

SAVINGS CLAUSE

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this

ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactment.

SECTION 11

PENALTY

It shall be unlawful for any person, firm or corporation to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person, firm or corporation violating any provision of this ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this ordinance.

THE FOREGOING ORDINANCE is approved and adopted by the City Council of the City of Anaheim this 18th day of November, 1997.


MAYOR OF THE CITY OF ANAHEIM

ATTEST:


CITY CLERK OF THE CITY OF ANAHEIM

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, LEONORA N. SOHL, City Clerk of the City of Anaheim, do hereby certify that the foregoing Ordinance No. 5625 was introduced at a regular meeting of the City Council of the City of Anaheim, held on the 4th day of November, 1997, and that the same was duly passed and adopted at a regular meeting of said City Council held on the 18th day of November, 1997, by the following vote of the members thereof:

AYES: MAYOR/COUNCIL MEMBERS: McCracken, Tait, Zemel, Lopez, Daly

NOES: MAYOR/COUNCIL MEMBERS: None

ABSENT: MAYOR/COUNCIL MEMBERS: None

AND I FURTHER CERTIFY that the Mayor of the City of Anaheim signed said Ordinance No. 5625 on the 18th day of November, 1997.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Anaheim this 18th day of November, 1997.


CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)

I, LEONORA N. SOHL, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original of Ordinance No. 5625 and was published once in the North County News on the 27th day of November, 1997.


CITY CLERK OF THE CITY OF ANAHEIM