

Title 17 - ZONING



Chapters:

Chapter 17.04 - GENERAL PROVISIONS

Sections:

17.04.010 - Short title.

This title of the City of Rolling Hills Municipal Code may be cited as the "Zoning Ordinance of the City of Rolling Hills."

(Ord. 239 §11(part), 1993).

17.04.020 - Purpose and authority.

A.

Purpose. This title is adopted and established in order to provide the economic and social advantages resulting from an orderly and planned use of land resources; to conserve and promote the public interest, health, comfort, and convenience of the City and its inhabitants; and to preserve the public peace, safety, morals, order and general welfare of the City and its inhabitants.

The purpose of this title is to serve the public health, safety, convenience, and general welfare of the citizens of Rolling Hills by establishing rules and requirements for development in the City; to obtain the physical, environmental and social advantages resulting from planned use of land in accordance with the General Plan of the City of Rolling Hills; and to ensure that the growth and development of the City of Rolling Hills will be orderly, attractive and shall protect and enhance the rural character and natural topographic features of the community.

B.

Authority. This title is adopted pursuant to the provisions of Section 7 of Article XI of the California Constitution and the California Planning and Zoning Law (Title 7, Division 1, Chapter 4 (Sections 65800-65912 of the California Government Code)).

(Ord. 239 §11(part), 1993).

17.04.030 - Basic considerations.

The City declares that in the creation of the respective zones and other regulations set forth herein, the City Council has given due and special consideration to the unique suitability of each and every such zone and regulation established for the particular uses for which they are enumerated, the conservation of property values, and the most appropriate use of land throughout the City, in the adjacent incorporated cities, and in the unincorporated area of the County of Los Angeles.

(Ord. 239 §11(part), 1993).

17.04.040 - Interpretation.

A.

Minimum Requirements. For the purposes of interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. This article is not intended to interfere with or abrogate or annul any easement, covenant, restriction, or other agreement between parties, except as provided in Section 17.04.040(B).

B.

Zoning Ordinance Controls Other Regulations. When this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, easements, covenants or agreements, the provisions of this title shall control.

(Ord. 239 §11(part), 1993).

17.04.050 - Penalty for violation.

Any violation of this title, or of any condition of any permit, approval or other entitlement granted under this title, shall constitute a misdemeanor which, upon conviction, shall be punishable by a fine of no more than one thousand dollars, by imprisonment in the County jail for a term no longer than six months, or by both such fine and imprisonment. Each separate day, or portion thereof, during which any violation of this title occurs or continues to occur shall constitute a separate offense which, upon conviction, shall be punishable as provided in this section. A violation of this title shall constitute a public nuisance.

(Ord. 239 §11(part), 1993).

17.04.060 - Effect on other remedies.

Provisions of this title shall not bar any other legal, equitable or summary remedies to which the City, or any person, firm or

corporation may otherwise assert, including, but not limited to, declaratory or injunctive relief.

(Ord. 239 §11(part), 1993).

17.04.070 - Severability.

Provisions of this title are declared to be severable. If any provision, clause, sentence, section or any part thereof is held to be unconstitutional, invalid or inapplicable to any person or circumstance by a court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect or impair any of the remaining provisions, sentences, sections or parts thereof of this title or their applicability to other persons or circumstances.

(Ord. 239 §11(part), 1993).

Chapter 17.08 - ESTABLISHMENT OF ZONES AND BOUNDARIES

Sections:

17.08.010 - Zones established.

Rolling Hills is a unique, well-established residential community. Development consists almost exclusively of single-family residential houses on large lots. The General Plan of the City of Rolling Hills establishes a policy to maintain the existing pattern and type of residential development, with support public facility uses. Toward the end of implementing General Plan land use policy, zone districts are established as follows:

A.

RA-S - Residential Agriculture-Suburban. The RA-S zone district is divided into two sub-districts: RA-S-1 and RA-S-2. The suffix indicates the minimum lot size requirement in net acres.

B.

PF - Public Facilities.

(Ord. 239 §11(part), 1993).

17.08.020 - Map adopted.

The location and boundaries of the various zones are shown and delineated on the "Zoning Map of the City of Rolling Hills," which is incorporated herein by reference and is codified by this title.

(Ord. 239 §11(part), 1993).

17.08.030 - Changes in boundaries.

Changes in the boundaries of zones shall be made by adopting a new map or amending the existing map by ordinance. Such maps, when adopted, shall be published in the manner prescribed by law and shall become a part of this title.

(Ord. 239 §11(part), 1993).

17.08.040 - Determination of boundaries.

Where uncertainty exists as to the boundaries of any zone shown upon the zoning map, the following rules shall apply:

A.

Where zone boundaries are indicated as approximately following lot lines, such lines shall be construed to be the boundary except in the case of a street, in which case the center line of the street shall be the boundary.

B.

Where zone boundary lines cross through lots or unsubdivided parcels and when no dimensions are given, the location of the zone boundary shall be determined by using the scale of the map.

C.

Where any public or private street, road, easement or other right-of-way is vacated or legally abandoned after the effective date of the ordinance codified in this title, the land formerly in that right-of-way shall be included within the zone of adjoining properties; in the event the right-of-way formed a zone boundary between two or more zones, the new zone boundary line shall be the former center line of the right-of-way.

D.

In case any further uncertainty exists, the Planning Commission shall interpret the intent of the zoning map as to the location of the disputed zone boundaries.

(Ord. 239 §11(part), 1993).

17.08.050 - Zoning compliance required.

Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as specifically provided for and allowed by this title. Any use or structure not specifically permitted by this title shall be prohibited.

(Ord. 239 §11(part), 1993).

17.08.060 - Retroactive permits.

The City Council may by resolution establish procedures, standards and fees for processing and consideration of discretionary permits for construction which is conducted without the acquisition of permits required by this title.

(Ord. 285 §3, 2001).

Chapter 17.12 - DEFINITIONS

Sections:

17.12.005 - Generally.

For the purpose of carrying out the intent of this title, the following words, terms, and phrases shall have the meaning ascribed to them in this chapter.

(Ord. 239 §11(part), 1993).

17.12.010 - "A" words, terms and phrases.

"Abandoned" means the cessation of the use of a property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

"Abutting" means parcels of land or structures having a common boundary with one another except those parcels or structures having no common boundary other than a common corner.

"Access" means the place or way by which pedestrians, vehicles or animals are provided safe, adequate, and usable ingress and egress to a property or use as required by this title.

"Accessory building or structure" means a building or a structure detached from the principal building or structure on the same lot and customarily incidental and subordinate to the principal building.

"Accessory use" means a use of land or of a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land, building or structure and located on the same lot with such principal use.

Acreage, Gross. "Gross acreage" means the total land area within a defined boundary. Gross acreage measurements are made to the property line.

Acreage, Net. "Net acreage" means the total area included within the lot lines of a lot or parcel of property, exclusive of: (a) the entire area within a recorded roadway easement plus the area within ten feet measured perpendicular to the edge of the roadway easement; (b) the ten-foot perimeter of the lot perpendicular to the property lines; (c) any private drive or driveway that provides access to any other lot or parcel; and (d) the access strip portion of a flag lot.

"Addition" means any construction that is attached to an existing building and which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

"Adjacent" means structures or parcels of land which are separated only by a street, highway or recorded easement.

"Administrative approval" means an approval of a project by City staff, which requires the approving body to ascertain that the project complies with applicable statutes, ordinances and regulations.

"Agent" means any person showing notarized written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

"Agricultural space" means an area within a stable designed and constructed to house permitted domestic animals, farm implements, hay, grain, or other horticultural products and equipment. It may also include storage of vehicles and storage of household items. Such space shall not be a place for human habitation or be used as sleeping quarters.

"Alteration" means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

"Amendment" means a change in wording, context, substance or zoning maps of this title when such changes are adopted in the manner prescribed by law.

"Animal" means any animal including but not limited to poultry, bird, reptile, fish, dog, cat, horse and livestock.

"Animal, Domestic." "Domestic animal" means an animal customarily kept in a house as a pet, such as dogs, cats, fish and cage birds. Domestic animal also includes but is not limited to horses, other equines, cattle, fowl, rabbits, goats, sheep and bees. No wild or exotic animal shall be considered domestic animals.

"Animal, Domestic, large", means animals customarily kept on a property such as, but not limited to horses, other equines and cattle.

"Animal, Domestic, small", means animals customarily kept in a house as a pet, such as dogs, cats, fish and cage birds.

Small domestic animals also include but are not limited to miniature horses, donkeys, mules, fowl such as chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squab, other similar fowl, rabbits, goats, sheep and bees.

"Animal pen or cage" means a fenced area of land or an enclosure, made from wooden, metal or plastic slots or wire, in which to keep small animals.

"Animal shelter" means an area enclosed on one or more sides, or roofed, where permitted animals are kept, including but not be limited to a cage, pen, aviary, run-in-shed, stable or roofed free standing structure.

"Antenna" means the outdoor portion of the receiving or transmitting equipment used for the receiving or transmitting of television, radio or similar waves through space.

"Applicant" means a person who requests in writing the approval of a permit, entitlement, or any other approval under this title.

"Application" means the form and information submitted by an applicant for purposes of requesting an entitlement to use or develop property.

"Assessor" means the Assessor of the County of Los Angeles.

"Association." See "Rolling Hills Community Association."

"Aviary" means an enclosure or large cage where birds are kept.

(Ord. 295 § 7 (Exh. B (part)), 2004; Ord. 239 § 11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.020 - "B" words, terms and phrases.

Barn. See "stable."

"Basement" means any floor level below the first story of the primary residence, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. Except for walls within light wells, basement walls across any elevation may not exceed a height of five feet above finished grade at any point immediately adjacent to the basement exterior, and shall have no greater than an average of two and one-half feet exterior height. Basements shall comply with the Los Angeles County Building Code requirements. Basement well(s) shall be incorporated into the overall design of the building so that it does not give an appearance of a separate story.

"Body or hearing body" means the individual or group duly authorized to grant changes to, relief from or special consideration under this title.

"Boundary fence," for the purposes of this title, is a fence constructed of four-inch vertical posts protruding fifty-four inches aboveground and spaced not more than ten feet measured from center to center and attached to two-inch by six-inch boards running horizontally, starting three inches from the top and spaced fifteen inches from center to center. Wire fencing may be attached to the inner side of a boundary fence.

"Breezeway" means a roofed passageway with open sides that connects two buildings, such as house and garage.

"Buildable area" means that portion of a lot consisting of the existing graded building pad and any other contiguous portion of the lot not in setbacks that has an average slope of ten percent or less. If there is no existing graded building pad, buildable area shall mean that portion of a lot not in setbacks that has or is proposed to be graded to have an average slope of ten percent or less.

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building, Accessory. See "accessory building."

Building, Primary. "Primary building" means a building in which the principal use on the lot is conducted.

"Building pad coverage" means that area of a graded building pad developed with the following improvements: primary residence, garages, accessory buildings, recreational game courts, pools, stables, and subterranean structures other than basements. Building pad coverage requirements are generally expressed in maximum allowable percent coverage.

"Building official" means that person charged with the responsibility of administering the building code for the city.

Building Pad, Graded. "Graded building pad" means that area (or those areas) of a lot not in setbacks, which has been disturbed by human activity for the purpose of creating suitable site(s) for establishment of a primary building, accessory building, a stable/corral, swimming pool, subterranean structure, recreational game court, deck or similar improvements.

(Ord. 312 § 1, 2008; Ord. 297 § 9(part), 2005; Ord. 295 § 7 (Exh. B (part)), 2004; Ord. 271 § 6, 1997; Ord. 269 § 5, 1997; Ord. 239 § 11(part), 1993).

17.12.030 - "C" words, terms and phrases.

"Cabana" means an accessory structure enclosed on not more than three sides which is generally associated with a swimming pool, whirlpool or similar facility and which is intended to be used as a clothes changing room. Cabanas shall not contain sleeping or indoor cooking facilities.

"Cage," see animal pen and aviary.

Caretaker's Residence. See "guest house."

Cellar. See "basement."

"City" means the incorporated City of Rolling Hills.

"City Council or Council" means the City Council of the City of Rolling Hills.

"Civic center" means the administrative offices of the City and of the Associations.

"Commission or Planning Commission" means the Planning Commission of the City of Rolling Hills.

"Conditional use permit" means an approval which may be granted by the Planning Commission which is required for a conditional use to be permitted in a district or zone.

"Conditional use" means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the development code and authorized by the Planning Commission.

"Corral" means a pen or enclosure, constructed of split rail or similar open fencing materials, used for confining horses or other permitted domestic animals.

Coverage, Building Pad. See "building pad coverage."

Coverage, Lot. See "lot coverage."

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.040 - "D" words, terms and phrases.

"Deck" means any platform elevated above the ground by means of pylons, posts or supporting walls, that is unenclosed, designed for persons to walk, sit or stand upon, and that is at least five feet in width or at least one foot in height measured from the top of the platform to the ground.

"Density" means the number of families, individuals, dwelling units or housing structures per unit of land.

"Discretionary approval" means approval of a project, which requires that the Planning Commission ascertain compliance with applicable statutes, ordinances and regulations and which also requires the exercise of judgment, deliberation, or decision on the part of the Planning Commission, and/or the City Council. Discretionary projects include conditional use permit, site plan review and variance.

"Disturbed area or Disturbance." Disturbance means any remedial grading (temporary disturbance), any proposed or existing graded slopes and graded building pad areas, and any nongraded areas where impervious surfaces will remain or are proposed to be added; provided, however, that if a previously disturbed impervious surface, such as an abandoned driveway or other areas determined to be previously altered or graded, is returned to its natural state, and the area matches the terrain and contours of the immediately adjacent area, without triggering grading, as defined in Section 15.04.120 of this code, then such area shall not be considered disturbed. Disturbed area shall be not greater than forty percent of the net lot area.

Domestic Animal. See "animal, domestic."

"Driveway" means a private roadway which provides access for vehicles from a street to a parking space, garage, dwelling or other structure.

"Dwelling or dwelling unit" means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a person or single-family maintaining a household.

Dwelling, Single-Family. "Single-family dwelling" means a detached building which, regardless of form of ownership, is designed and/or used to house not more than one family, including all domestic employees of such family. A single-family dwelling also includes a manufactured home certified under the National Mobile Home Construction and Safety Standard Act of 1974, provided that all development standards applicable to single-family dwellings are adhered to as described in this title.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 279 §6, 1999; Ord. 239 §11(part), 1993).

17.12.050 - "E" words, terms and phrases.

"Easement" means a right of use across the property of another granted by the property owner to the Association, a corporation or another person or entity for the purpose of construction and/or maintenance and use of streets, driveways, trails, utilities, drainage facilities, sewers, open space and any other use or combination of such uses.

"Eave" means the projecting lower edges of a roof over-hanging the wall of a building.

"Excavation" means the act or process of digging, removing of earth material or hollowing out surface of land below finished grade for basements, footings, retaining walls, pools, spas or other below finished grade structures or uses. Excavation also means a man-made hole that has been made by digging or hollowing earth material. Excavation shall not result in changes to the natural or graded ground surface.

"Existing use" means the use of a lot or structure on the effective date of the ordinance codified in this title.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

17.12.060 - "F" words, terms and phrases.

"Family" means one or more persons living as a single housekeeping unit, as distinguished from a group occupying a boarding, rooming or lodging house, hotel or club. Family may include domestic servants.

"Fence" means a self-supporting barrier to enclose or mark an area.

"Floor area" means the total horizontal area of all floors of a structure, measured in square feet from the exterior surface of the outside walls, including basements, storage areas, and the like, but excluding unenclosed areas, buildings or structures.

Front Yard. See "yard, front."

"Frontage" means the length of that portion of a lot abutting a street.

(Ord. 239 §11(part), 1993).

17.12.070 - "G" words, terms and phrases.

"Garage" means an accessory building, or an accessory portion of a main building, designed or used for the shelter or storage of vehicles.

"General plan" means the adopted general plan of the City which is the official statement of policy relative to physical development within the corporate boundaries.

Grade, Natural. "Natural grade" means the elevation of the ground surface in its natural state, before man-made alterations.

Grade, Finished. "Finished grade" means the level of the finished ground adjacent to the walls of a building.

"Grading" means man-made alteration of the existing natural ground surface, resulting in earthforms and contours, which differ from the ground surface that existed prior to the alteration.

Grading, Contour. "Contour grading" means a grading concept designed to result in earthforms and contours which resemble natural terrain characteristics, with generally curving, nonlinear slope banks having variations in the slope ratios of the horizontal and vertical curves.

"Guest house" means living quarters within an accessory building for the sole use of persons employed on the premises or for use by relatives or guests of the occupants of the premises. Such living quarters shall not have a kitchen or cooking facility and shall not be rented nor otherwise used as a separate dwelling unit.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

17.12.080 - "H" words, terms and phrases.

Habitable Space, Interior. "Interior habitable space" means an area within a building or structure, fully enclosed by walls, windows, doors, a roof or ceiling, and floors, which provides living, eating and/or sleeping quarters. Interior habitable space includes lofts and mezzanines. Storage areas, including attics, which meet the following criteria, shall not be considered habitable space: Storage areas, except basements, which are located below or above habitable space, shall not exceed six feet in height at any one point and shall not have windows, doors to the exterior, heating, ventilation or air conditioning (except as required by the Building Code); attics shall have a ceiling that follows the shape and the angle of the roofline, could be more than six feet high at any point and shall not have doors to the exterior, windows, heating, ventilation or air conditioning (except as required by the Building Code). Storage areas and attics, as defined above, shall be used exclusively for storage purposes.

"Hedge" means any plant material, trees, stump growth or shrubbery planted or growing in a dense continuous line so as to form a thicket, barrier or living fence.

"Hobby shop." Hobby shop means the same as "Recreation room."

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

17.12.090 - "I" words, terms and phrases.

"Impervious surface" means any surface covered by a material which prevents the percolation of water and other fluids into the ground. Impervious surface includes, but is not limited to, structures, roofs, concrete and asphalt paving, and decks.

"Improvement" means any item which becomes part of, placed upon or affixed to real estate.

(Ord. 239 §11(part), 1993).

17.12.100 - "J" words, terms and phrases.

Reserved.

17.12.110 - "K" words, terms and phrases.

"Kitchen" means a room or portion thereof containing facilities designed or used for the preparation, serving and consumption of food, and may contain, any but not be limited to the following: shelves, cabinets, countertops, table, chairs, sink, stove, oven, cook top, range, hot plate, microwave, grill, dishwasher, refrigerator.

"Kitchenette" means a room or portion thereof, primarily in a permitted detached accessory structure or tack room designed or used for the serving and consumption of food for recreational functions and guest snacks and if in a tack room primarily for keeping of animal medication and related food and in conjunction with approved uses for a tack room. A kitchenette may contain the following: sink, shelves, cabinets, table, chairs, countertops, hot plate, microwave, dishwasher and a refrigerator.

(Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.120 - "L" words, terms and phrases.

"Landing" means a platform between flights of stairs or the floor at the top or foot of a stair or flight of stairs, which is less than twelve inches in height.

"Landscaping" means a planned arrangement of plant materials including lawn, ground cover, trees, shrubs and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading or storage areas).

"Landscaping plan" means a plan which indicates the type, size and location of vegetative and accent material proposed for the landscaping of a site, including all irrigation, drainage and other devices necessary to maintain such landscaping. A preliminary landscaping plan is one which is submitted for City review. A final plan represents one which has been reviewed and approved by the City.

"Loft" means an area above a stable utilized for storage of feed and hay, saddles, bridles, other horse equipment and similar equestrian or agricultural related items, or tack room uses, but excludes sleeping quarters.

"Lot" means:

A.

A parcel of real property shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the County Recorder;

B.

A parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the office of the County Recorder; or

C.

A parcel of land, the dimensions or boundaries of which are defined by metes and bounds, and which is held under separate ownership of record on the effective date of the ordinance codified by this title.

Lot, Corner. "Corner lot" means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

"Lot coverage" means that area of the net lot area developed with the following improvements: primary residence, garages, accessory buildings, recreational game courts, pools, spas, pool/spa equipment, stables, subterranean structures other than basements, driveways, parking areas, walks, patios, decks, covered porches, entryways, porte cochere, trellises, latticework and asphalted or concrete paving not maintained by the Association. Lot coverage requirements are expressed in maximum allowable percent coverage.

Lot, Cul-de-sac. "Cul-de-sac lot" means a lot which is accessed via a cul-de-sac street.

"Lot depth" means the average linear measurement between the front and rear lot lines when measured at ninety degree angles from the front lot line.

Lot, Flag. "Flag lot" means a lot having access to a street by means of a private driveway access easement, or a parcel of land not meeting the requirements of this title for lot width, but having a dimension of at least twenty feet at its narrowest point.

Lot, Substandard. "Substandard lot" means any lot which does not meet the minimum required dimensions.

Lot Area, Gross. "Gross lot area" means the total area, measured in a horizontal plane, included within the lot lines of a lot.

Lot Area, Net. "Net lot area" means the total area included within the lot lines of a lot or parcel of property, exclusive of: (a) the entire area within a recorded roadway easement plus the area within ten feet measured perpendicular to the edge of the roadway easement; (b) the ten-foot perimeter of the lot perpendicular to the property lines; (c) any private drive or driveway that provides access to any other lot or parcel; and (d) the access strip portion of a flag lot.

"Lot line" means the lines bounding a lot as defined herein.

Lot Line, Front. "Front lot line" means the line dividing a lot from a roadway easement. On a corner lot, the Commission shall determine which street frontage shall be established as the front lot line.

Lot Line, Rear. "Rear lot line" means the lot line opposite and most distant from the front lot line; or in the case of an irregularly shaped lot, a straight line not less than ten feet long, within the lot, and most nearly parallel to and at the maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot lines other than the front or rear lot lines.

"Lot width" means the average linear distance between side lot lines when measured at a ninety degree angle to the front lot line.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 269 §6, 1997; Ord. 263 §8, 1996; Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.130 - "M" words, terms and phrases.

"Manufactured home" means a manufactured home is a detached single-family dwelling with all of the following characteristics:

A.

Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electric connections provided for attachment to an outside system;

B.

Designed to be transported after fabrication on its own wheels, or on a flat bed or other trailer or detachable wheels; manufactured homes do not move by means of an internal power source; and

C.

Delivered to the site where it is to be occupied as a complete dwelling, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation, connections to utilities, and other incidental preparations for occupancy.

"Mixed use structure" means a structure detached from the primary building and used or designed to be used for a garage or for two or more of the following uses: garage, keeping of horses or other permitted animals, storage of equestrian, agricultural and general household goods, recreational purposes, an office, a study or other uses. Two or more of the same uses within the structure are not permitted. If any of the uses include keeping of horses or other permitted animals, no portion of the structure may contain a guest house or sleeping quarters for humans.

Mobilehome. See "Manufactured home."

(Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.140 - "N" words, terms and phrases.

Natural Grade. See "grade, natural."

"Nonconforming land" means a parcel, the size, dimensions or use of which was lawful prior to the adoption, revision or amendment of this title, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

"Nonconforming structure" means a legally established structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of any ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of this title but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

(Ord. 239 §11(part), 1993).

17.12.150 - "O" words, terms and phrases.

"Owner of property" means the owner of record on any parcel of real property as designated on the county assessor's tax roll, or a holder of a subsequently recorded deed to the property.

(Ord. 239 §11(part), 1993).

17.12.160 - "P" words, terms and phrases.

Pad. See "building pad, graded."

"Parking space" means an area with minimum dimensions as established in the parking standards for a district which is accessible and available for the parking of one vehicle.

"Permit" means written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

"Person" means an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the federal or state government, city, county, district or any other group or combination acting as an entity.

"Planning Commission or Commission" means the Planning Commission of the City of Rolling Hills.

"Plate height" means the height of a building measured from the finished floor level to the top of the wall.

"Porch" means a covered pedestrian entrance to a building; a walkway or a platform beneath a roof that is attached to the exterior of a building that sometimes runs along the entire facade and sides of the building. The area underneath eaves is not considered a covered porch.

"Porte cochere" means a roofed structure, whether attached or detached to the exterior of the building, which partially or entirely covers a driveway at the entrance of a building to provide shelter while entering or leaving a vehicle. The area underneath eaves is not considered porte cochere.

"Primary use" means the principal or predominant use of any lot.

(Ord. 297 §9(part), 2005; Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.170 - "Q" words, terms and phrases.

Reserved.

17.12.180 - "R" words, terms and phrases.

Rear Yard. See "yard, rear."

"Recorder" means the Recorder of the County of Los Angeles.

"Recreational game court" means a tennis, racquetball or squash court, or any other fenced, enclosed, paved or hard-surfaced area used for private recreational purposes.

"Recreation room" means a room used for personal entertainment or hobby purposes.

"Recycling center" means a facility or site where newspapers, glass, aluminum cans and similar household recyclable items are collected for transport to off-site recycling facilities and plants.

Residence. See "Dwelling."

"Riding ring" means a private equestrian facility that exceeds seven thousand two hundred square feet in area used for noncommercial training of horses, ponies or other permitted animals, or used for competitive or recreational riding purposes.

"Right-of-way" means a corridor, either public or private, on which a right of passage has been recorded.

"Rolling Hills Community Association" means the Rolling Hills Community Association of Rancho Palos Verdes, a nonprofit California corporation, also known as and referred to in this title as "Association."

"Room" means an area of a building fully enclosed by walls, windows, doors, a roof and floor, excluding bathrooms, kitchens, closets, hallways and service porches.

"Run-in-shed" means a not to exceed 240 square foot free standing structure for sheltering of animals, enclosed on three sides and a roof and containing one or more large space that animals can enter and leave at will. Such structure, if larger than 240 square feet shall be considered a stable and shall meet all of the requirements for a stable.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.190 - "S" words, terms and phrases.

"Sanitary sewer" means pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

"Satellite dish antenna" means a parabolic or disc-shaped antenna of either solid or mesh construction intended for the purpose of receiving communications from orbiting satellite transceivers.

"Septic system" means an underground system with a septic tank used for the decomposition of domestic wastes.

"Setback" means an open space on a lot that, except as otherwise provided in this title, is unoccupied or unobstructed by any structures aboveground. When a required setback dimension is given, it represents the minimum horizontal distance between the lot line or roadway easement from which the distance must be measured and a line parallel to the lot line or roadway easement.

"Setback line" means a line within a lot parallel to and measured from a corresponding lot line or easement line, forming the boundary of a required yard, and governing the placement of structures and uses on the lot.

"Shed" means a structure, not to exceed 120 square feet, enclosed on all four sides, either free-standing or attached to a larger structure, used especially for storage of domestic or equestrian or agricultural related items or as a play room. Shed is not for keeping of animals. Shed may not contain a sanitary facility or a kitchenette.

Side Yard. See "yard, side."

"Stable" means the same as "barn" and is a building or a portion of a building designed and constructed to shelter permitted domestic animals and store farm implements, hay, grain, equestrian and horticultural related items and equipment. Stable may include agricultural space, loft and tack room space. Stable shall not be a place for human habitation, except for uses specifically permitted in the tack room; it may not be rented out or be used for human sleeping or commercial purposes.

Standards, Development. "Development standards" means the physical design and development portion of this title controlling such items as building pad coverage, yard areas, height of structures or fencing.

"Storage area" means as the term is described in Section 17.12.080 of this chapter.

"Story" means as that term is defined in Section 15.04.080 of this code.

"Street" means a vehicular right-of-way, excluding driveways.

"Structure" means a combination of materials assembled in a form for use, occupancy or ornamentation whether installed on, above or below the surface of land or water and requiring a fixed location or attached to something having a fixed location. Structure shall also include, but not be limited to, fences, retaining walls, covered porches, entryways, porte cochere, latticework, trellises, pilasters, fountains, pools, spas, pool/spa equipment, gazebos, garden walls, decks, and subterranean structures other than basements.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 279 §5, 1999; Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.200 - "T" words, terms and phrases.

"Tack room" means a room, building or structure, in conjunction with an established stable or corral, utilized primarily for storage of saddles, bridles, other horse equipment and similar equestrian or horticultural related items, as well as the storage of tools, furniture and other general households items. Tack rooms may contain a kitchenette and sanitary facility consisting of a sink, toilet and shower. Tack room may be used for passive activities but shall not at any time be rented out or be used as sleeping quarters for humans. For the purpose of this definition, all activities that are loud, raucous, annoying, or that produce unusual noises, lighting or other impacts that offend the peace and quiet of persons or ordinary sensibilities and interferes with the comfortable enjoyment of life or property of any neighboring property are prohibited and are not considered "passive activities".

"Temporary use" means a use established for a fixed period of time, or until the occurrence of a specific event, with the intent to discontinue such use upon the expiration of the time period.

Trailer, Construction. "Construction trailer" means a trailer, the use of which is incidental to new construction on a site, including but not limited to temporary office space for the direction of on-site construction activities.

"Tree" means a woody perennial plant which usually but not necessarily has a single trunk and a height of fifteen feet or more, or has a circumference of twenty inches measured at twenty-four inches above the ground; references herein to "tree" shall include the plural, "any tree or trees."

"Turnout" means a private equestrian facility, not to exceed seven thousand two hundred square feet in area, used for noncommercial training, walking or exercising of horses, ponies and other permitted animals.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

(Ord. No. 319, §§ 22(Exh. A, Pt. B), 7-15-2010)

17.12.210 - "U" words, terms and phrases.

"Use" means the purpose for which land or a building is occupied, arranged, designed or intended; or for which either land or building is, or may be, occupied or maintained.

Use, Primary. "Primary use" means a use which fulfills the principal function of a household, establishment, institution, or other entity.

(Ord. 239 §11(part), 1993).

17.12.220 - "V" words, terms and phrases.

"Variance" means permission, granted in accordance with the provisions of this chapter, to depart from a literal provision of this title when, because of special circumstances applicable to the property, strict application of title provisions deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. Any variance granted will assure that the adjustment granted will not constitute a special privilege.

"View" means a view from a principal residence and any immediately adjoining patio or deck area at the same elevation as the residence which consists of a visually impressive scene or vista not located in the immediate vicinity of the residence, such as a scene of the Pacific Ocean, off-shore islands, city lights of the Los Angeles basin, the Palos Verdes Hills or Los Angeles Harbor.

"View impairment" means a significant interference with and obstruction of a view by landscaping, trees or any other planted vegetation.

(Ord. 239 §11(part), 1993).

17.12.230 - "W" words, terms and phrases.

"Water feature" means a formation containing water, other than a pool or a spa, and including, but not be limited to a fish pond, reflection pond, stream, creek, fountain, water fall and similar structures or uses.

"Window" means an opening in a wall of a building designed to allow light and/or ventilation into a room of a building, and enclosed by casement or sash containing glass or other similar transparent or semitransparent material.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

17.12.240 - "X" words, terms and phrases.

"Xeriscape" means landscaping consisting of vegetation which is drought resistant and requires limited watering.

(Ord. 239 §11(part), 1993).

17.12.250 - "Y" words, terms and phrases.

Yard, Front. "Front yard" means the space extending across the full width of the lot between the side lot lines, the depth of which is measured between the front roadway easement line and either the nearest line of the primary building or the nearest line of any enclosed or covered porch attached thereto. This area shall be unoccupied or unobstructed by any structures, unless otherwise provided for in this title.

Yard, Rear. "Rear yard" means the space extending across the full width of the lot between the side lot lines, the depth of which is measured between the rear lot line and the nearest rear line of the primary building or the nearest line of any enclosed or covered porch. Where a rear yard abuts a street or a roadway maintained by the Association, the depth shall be measured from the roadway easement.

Yard, Side. "Side yard" means the space extending from the front yard to the rear yard between the side easement line, where an easement exists, and the nearest line of the main building or of any accessory building attached thereto. Where no easement exists along or contiguous with a side lot line, then the side yard shall be measured from the side lot line.

(Ord. 301 §6 (Exh. A (part)), 2006; Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993).

17.12.260 - "Z" words, terms and phrases.

"Zoning district" means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

"Zoning map" means the map or maps which are a part of this title and delineate the boundaries of zone districts.

(Ord. 239 §11(part), 1993).

Chapter 17.26 - VIEW PRESERVATION

Sections:

17.26.010 - Intent and purpose.

The City recognizes the contribution of views to the overall character and beauty of the City. Panoramic views of the Pacific Ocean, Catalina Island, City lights and Los Angeles Harbor are a special quality of property ownership for many residential lots in the City. These views have the potential to be diminished or eliminated by maturing landscaping located on private property. The purpose of this chapter is to protect this important community asset by establishing procedures for the protection and abatement of view obstructions created by landscaping, while at the same time protecting natural vegetation from indiscriminate removal.

(Ord. 239 §11(part), 1993).

17.26.020 - Committee on trees and views.

A Committee on Trees and Views is established for the purpose of administering the provisions of this chapter. The Committee shall be composed of three members of the Planning Commission appointed by the Commission annually at the same time as the Commission selects its officers, or whenever a vacancy occurs. Committee meetings shall be scheduled as adjourned or special meetings of the Commission. The Committee is authorized to consult with City officials and with specialists such as landscape architects and arborists as required, but shall not incur any expense on behalf of the City without prior approval of the City Council.

(Ord. 292 §4, 2003; Ord. 239 §11(part), 1993).

17.26.030 - Desirable and undesirable trees.

The Committee is authorized and directed to prepare lists of types of desirable and undesirable trees for planting within the City. The list shall be based upon tree size and shape, rate of growth, depth of roots, fall rate of leaves or bark or fruit or branches, and other factors related to safety, maintenance and appearance. The purpose of this provision is to make information available to property owners which may serve to avoid future occasion for permits, complaints, and other proceedings authorized by this chapter.

(Ord. 239 §11(part), 1993).

17.26.040 - Abatement of view impairment—Procedure.

Any person who owns or has lawful possession of a residence from which view is impaired by vegetation growing on property other than their own may seek abatement of the view impairment under the following procedure:

- A.**

Application Required. The complainant shall submit a complete application for abatement of view impairment on a form provided by the City. The application shall be accompanied by a fee as provided for in Section 17.30.030 of this title. The complainant shall describe in the application what efforts have been made by the complainant to resolve the view impairment prior to filing the complaint. A complaint shall not be accepted for filing unless the complainant can demonstrate that the owner of the view-impairing vegetation has been given notice of the impairment and a reasonable opportunity to abate it, but has refused to do so.
- B.**

Mediation. Upon receipt and acceptance of an application as complete, the City Manager shall refer the matter to a mediator for conduct of a mediation session to abate the view impairment. The mediator shall be responsible for notifying the property owner of the view-impairing vegetation of the application and for scheduling and managing the mediation process. If agreement is reached through mediation, it shall be implemented in accordance with Section 17.26.060.
- C.**

Public Hearing. In the event mediation fails to achieve agreement, the matter shall be returned to the City Manager, who shall schedule the matter for a public hearing before the Committee on Trees and Views.

(Ord. 292 §5, 2003; Ord. 239 §11(part), 1993).

17.26.050 - Hearing procedure and findings.

- A.**

Notice Required. Public notice of the hearing shall be given a minimum of fifteen days prior to the hearing. The hearing shall not proceed unless proof is shown that the owner of the tree or other obstructing vegetation received notice of the hearing as provided herein:

 - 1.**

Notice shall be given by certified mail, return receipt requested, to the owner of the tree or other obstructing vegetation and to the complainant;
 - 2.**

Notice shall be given by first class mail to all property owners within one thousand feet of the exterior boundary of the property on which the tree or other obstructing vegetation are located and to other persons who, in the Committee's judgment, might be affected.
- B.**

Content of Notice. The notice shall state the name of the complaining party, the name of the property owner against whom the complaint is filed, the location of the tree or other vegetation, and the time and place of hearing. The notice shall invite written comments to be submitted prior to or at the hearing.
- C.**

Conduct of Hearing. The Committee shall adopt rules for the conduct of required hearings. At the hearing, the Committee shall consider all written and oral testimony and evidence presented in connection with the application. In the event the Committee requires expert advice in consideration of the matter, the cost of obtaining such evidence shall be borne by the complainant, pursuant to written agreement with the City.
- D.**

Findings. Based on the evidence received and considered, the Committee may find any of the following:

 - 1.**

That no view exists within the meaning of this chapter;
 - 2.**

That a view exists within the meaning of this chapter, but that the view is not significantly impaired; or
 - 3.**

That a view exists within the meaning of this chapter and that it is significantly impaired.

The Committee shall make specific written findings in support of the foregoing determinations.
- E.**

Action. If the Committee makes finding subsection (D)(3) of this section, it shall order such restorative action as is necessary

to abate the view impairment and to restore the complainant's view, including, but not limited to, removal, pruning, topping, thinning or similar alteration of the vegetation. The Committee may impose conditions as are necessary to prevent future view impairments. In no event shall restorative action be required if such action would adversely affect the environment or would unreasonably detract from the privacy or enjoyment of the property on which the objectionable vegetation is located.

F.

Finality of Decision. The Committee's decision shall be final twenty days after adoption of its written findings, unless it is appealed to the City Council pursuant to the provisions of Chapter 17.54.

(Ord. 295 §7 (Exh. B (part)), 2004; Ord. 239 §11(part), 1993)

17.26.060 - Implementation of restorative action.

A.

Within thirty days of a final decision ordering restorative action, the complainant shall obtain and present to the owner of the obstructing vegetation three bids from licensed and qualified contractors for performance of the work, as well as a cash deposit in the amount of the lowest bid. In order to qualify, the contractors must provide insurance which protects and indemnifies the City and the complainant from damages attributable to negligent or wrongful performance of the work. Any such insurance shall be subject to the approval of the City.

B.

The owner of the obstructing vegetation may select any licensed and qualified contractor to perform the restorative action (as long as the insurance requirements of subsection A of this section are satisfied), but shall be responsible for any cost above the amount of the cash deposit. The work shall be completed no more than thirty days from receipt of the cash deposit.

C.

Subsequent maintenance of the vegetation in question shall be performed as prescribed by the Committee's final decision at the cost and expense of the owner of the property on which the vegetation is growing. The vegetation shall be maintained in accordance with the final decision so as not to allow for future view impairments. A notice of the decision shall be recorded against the title of the property and shall run with the land, thereby giving notice of this obligation to all future owners.

D.

The implementation method provided for in this section may be modified by the parties or in any final decision if grounds exist to justify such a modification. In particular, the Committee may allocate the cost of restorative action as follows:

1.

If the Committee finds that the tree or other vegetation constitutes a safety hazard to the complainant or his property, and is being maintained by the owner in disregard of the safety of others, the owner may be required to pay one hundred percent of the cost of correction; or

2.

If the owner is maintaining a hedge fifteen feet or more in height, the Committee may allocate the cost of correction to the property owner, provided that the owner of the land on which the hedge exists shall not be required to pay more than twenty-five percent of the cost of such correction.

(Ord. 239 §11(part), 1993).

17.26.070 - Enforcement.

A.

Failure or refusal of any person to comply with a final decision under this chapter or to comply with any provision of this chapter shall constitute a misdemeanor and shall be punishable by a fine of one thousand dollars or six months in County Jail, or both. Failure or refusal of any person to comply with a final decision under this chapter shall further constitute a public nuisance which may be abated in accordance with the procedure contained in Chapter 8.24.

B.

A final decision rendered under this chapter may be enforced civilly by way of action for injunctive or other appropriate relief, in which event the prevailing party may be awarded attorney's fees and costs as determined by the court.

C.

Nothing in this chapter shall preclude the prosecution of any civil cause of action under the law by any person with respect to the matters covered herein.

(Ord. 239 §11(part), 1993).

17.26.080 - Notification of subsequent owners.

The owner on whose property the offending vegetation exists shall notify all successor owners of the final decision in any proceeding under this chapter, and such decision shall be binding upon all such successors in interest. Within thirty days of the final decision, an informational covenant shall be recorded against the title of the property on a form provided by the City.

(Ord. 239 §11(part), 1993).

Chapter 17.27 - ADDITIONAL DEVELOPMENT STANDARDS

Sections:

17.27.010 - Transportation demand and trip reduction measures.

Nonresidential development of twenty-five thousand square feet or more shall be subject to transportation and trip reduction