

CHAPTER 30.60 – NONCONFORMING USES AND BUILDINGS

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30.60.010 – Purpose

Existing nonconforming structures and uses shall be subject to the specific regulations of this Chapter as well as the general provisions of this Title. The purpose of this article is to permit reasonable continuance of the operation of nonconforming uses and structures while providing for their gradual elimination if certain specified events occur.

30.60.020 – Applicability

The provisions of this Chapter shall apply to all buildings, structures, or uses of land which are nonconforming at the time of adoption of this ordinance as well as to those that become nonconforming as a result of subsequent changes in zoning regulations.

30.60.030 – Nonconforming Uses

The following provisions shall be applicable to all nonconforming uses:

- A. A nonconforming use may be continued as-is provided there is no expansion of use or enlargement of floor area except as provided below:
- B. Nonconforming licensed day care centers located in the ROS, R1R, or R1 zone or in the SR zone may be continued, altered or enlarged on the same site in any manner consistent with current state licensing regulations and municipal code site design criteria as if no nonconformity existed.
- C. A nonconforming use shall be allowed to change within its own major land use type. For example, a nonconforming manufacturing/warehouse use may be interchanged with another manufacturing/warehouse use; a retail, office or service use may be interchanged with another retail, office or service use; or, a full service restaurant may be interchanged with a fast food restaurant; except that a nonconforming commercial or industrial use in a residential zone or a nonconforming industrial use in the C1 or C2 zone shall not be allowed to change to any other type of nonconforming use.
- D. A nonconforming use, or portion thereof, shall be terminated if such use is discontinued for one (1) year or if the building or structure where the use is located loses its nonconforming status due to damage or voluntary reconstruction as provided for in section 30.60.040.
- E. The addition of alcoholic beverage sales to existing nonconforming automobile service stations shall not be permitted.
- F. All nonconforming outdoor storage areas shall be required to conform to the applicable provisions for screening and/or enclosure on or before October 29, 1986.

- G. Any arcade establishment not located in the CBD zone and any billiard establishment for which a conditional use permit has not already been granted shall obtain a conditional use permit on or before October 6, 1996. Any arcade establishment which was lawfully in operation in the CBD zone prior to October 6, 1994 and any arcade establishment or billiard establishment for which no conditional use permit has been granted shall be discontinued on or before October 6, 1999.
- H. All nonconforming arcade establishments and billiard establishments existing on October 6, 1994 shall be discontinued on or before October 6, 1999, unless said period has been extended as follows:
1. If an arcade establishment or billiard establishment is subject to a written lease, entered into prior to May 1, 1994 with a termination date extending beyond January 1, 1999, the arcade establishment or billiard establishment may continue until the expiration of the present term of the lease, but in any event no later than January 1, 2002, provided the arcade establishment or billiard establishment is otherwise in compliance with all provisions of law, including but not limited to Chapter 30.42, Sections 5.24.010 through 5.24.150 and Sections 5.20.010 through 5.20.070 of the Glendale Municipal Code.
 2. If, on May 1, 1994, the arcade establishment or billiard establishment was owned by the property owner, the arcade or billiard establishment may continue until January 1, 2002; provided, the arcade establishment or billiard establishment is otherwise in compliance with all provisions of law; including, but not limited to Chapter 30.42, Sections 5.24.010 through 5.24.150 and Sections 5.20.010 through 5.20.070 of the Glendale Municipal Code.
- I. A conditional use permit for an arcade establishment existing in the CBD zone on May 1, 1996 may be extended by filing an application for a new conditional use permit, but in no case may such new conditional use permit be granted to extend beyond May 1, 1999 or January 1, 2002, provided the arcade establishment or billiard establishment is otherwise in compliance with all provisions of law and said application meets the standards to justify a favorable decision on the conditional use permit as set forth in Title 30 of this Code.
- J. If, on April 25, 2002, a liquor store, market, banquet hall or tavern is in operation in conformance with zoning regulations, including parking, such establishment may continue as a nonconforming use provided that there is no increase in the floor area of the establishment or increase in the bar service area within the existing establishment. Any existing liquor store, market, banquet hall or tavern with a valid conditional use permit on April 25, 2002, may apply for and may be granted a new conditional use permit. Notwithstanding Section 30.60.030, should an existing use with a valid conditional use permit on April 25, 2002, fail to obtain a new conditional use permit prior to its expiration, or if an alcoholic beverage control (ABC) license is revoked or suspended, the use shall lose its nonconforming status. In the case of revocation or suspension of an ABC license an administrative hearing conducted in a manner consistent with Section 30.64.020 shall be held to determine if the subject use failed to operate under the criteria set forth under the Business and Professions Code 23790.
- K. A nonconforming use may only be expanded in the IND, IMU, IMU-R and SFMU zones in compliance with the following provisions:
1. The total expansion shall not exceed 20 percent of the existing gross lot area;
 2. The expansion is limited to one time for the full life of the use;

3. Off-street parking for the entire area of the expansion shall be provided in full compliance with Chapter 30.32 (Parking and Loading) without diminishing the existing off-street parking provided for the existing use; and
4. The parking lot or parking structure area required to provide the required parking shall not be included within the 20 percent limitation of the expansion area identified in Subsection 1, above.

For illustrative purposes only, the following example would comply with the expansion provisions of this Subsection:

Existing lot: 10,000 square feet

Maximum permitted use expansion: 2,000 square feet

Minimum number of additional off-street parking spaces required within the IND zoning district (to be provided at a ratio of one parking space for each 500 square feet of gross floor area): 4

- L. All nonconforming businesses that provide shopping carts for use by their patrons shall comply with all provisions related to containment and control of shopping carts within the boundaries of store premises, as set forth in Title 30 of this Code on or before (twelve months after the effective date of the ordinance).

30.60.040 – Nonconforming Buildings, Structures, Walls, Fences, and Parking Spaces

The following provisions shall be applicable to all nonconforming buildings and structures:

- A. Any nonconforming building or structure that has been destroyed or damaged by natural disaster, accident, or fire beyond fifty (50) percent of its replacement cost, as determined by provisions of the Glendale Building and Safety Code, loses its nonconforming status and any reconstruction must comply with provisions of this Title except as provided herein.
 1. A residential building or structure damaged beyond fifty (50) percent of its replacement cost may be rebuilt in substantially the same manner and to the same square footage as previously existed. Where a residential building or structure or building containing a dwelling unit is being rebuilt, only the number of required parking spaces which were provided at the time of damage or destruction must be provided for the dwelling unit(s) if: all of the parking spaces and related driveways and turning aisles are at least as large as those which are being replaced, and a building permit is obtained no later than two (2) years after the actual date of damage or destruction, and the building or structure is completed pursuant to said permit.
 2. Any nonconforming building or structure damaged by natural disaster, accident or fire by fifty (50) percent or less of its replacement cost, as determined by provisions of the Glendale Building and Safety Code, may be repaired.
 3. The demolition of any nonconforming building or structure damaged by termites, dry rot, mold, or other natural deterioration shall be considered voluntary demolition and the rebuilding of any such building or structure shall be considered voluntary reconstruction that shall comply with the provisions of Section 30.60.040B.
- B. Rebuilding of any nonconforming building or structure not damaged by natural disaster, accident or fire shall be considered voluntary reconstruction and shall comply with the following:

1. A nonconforming building or structure excluding dish antennas may be repaired as necessary for proper maintenance; and altered or repaired as necessary for safety reasons or to comply with governmental regulations.
 2. A maximum of 50 percent of the combined area of all the exterior walls and roof of a nonconforming building or structure can be replaced or abandoned in place in any 5-year period. For purposes of this section, roof area shall be calculated as the horizontal area covering the floor area. For purposes of this section, exterior walls are those walls or portions thereof which are covered by or attached to a roof. If more than 50 percent of the combined area of all the exterior walls and roof are replaced or voluntarily reconstructed, then the building loses its nonconforming status and must comply with the current zoning code, except as otherwise provided herein. Exterior wall siding and roof covering material, including sheathing and weatherproofing membrane, shall be allowed to be replaced subject to the Glendale Building and Safety Code as it exists or is hereafter amended and shall not be included in the 50 percent calculation. When an enlargement of floor area occurs, the building or structure must comply with the provisions of Chapter 30.32 of this Title as it relates to parking and loading areas.
- C. Buildings or structures located in an industrial zone which are used for residential purposes may continue as is until such time as a permitted industrial use is established on the lot, at which time the nonconforming residential use shall be discontinued.
- D. Any dish antenna for which a building permit has been issued prior to March 7, 1991 shall be removed or brought into conformance with said sections by March 7, 1996. No structural alteration shall be made thereto, unless to preserve the safety of said dish antenna, or to bring the antenna into compliance with Section 30.34.050.
- E. Time period for removal of unlawful street front setback walls and fences.
1. All walls and fences unlawfully constructed, erected or maintained in a street front setback on or before October 19, 1999, excepting those which may be permitted under Chapter 21 of this Title, shall be removed, abated or legally permitted through a variance or other legal process on or before September 1, 2006, or at the time of sale of the property upon which the wall or fence is located, whichever shall first occur.
 2. Notwithstanding the time period outlined in section E.1 above, the following walls and fences shall be removed immediately:
 - a. Those walls or fences constructed in whole or in part of chain-link, barbed wire, razor wire, fiberglass, chicken wire, or those which are deteriorated to the point or condition which requires reconstruction beyond regular maintenance.
 - b. All walls or fences in the street front setback which were unlawfully constructed or erected after October 19, 1999, excepting those which may be permitted under Chapter 21 of this Title.
 3. In the event unlawfully constructed, erected or maintained walls or fences as set forth herein are not voluntarily removed or abated, the city may use any legal remedy available to compel the removal or abatement of any such wall or fence, including but not limited to criminal prosecution pursuant to Section 1.20.010A of the Code, or civil abatement.

- F. A nonconforming structure may only be expanded in the IND, IMU, IMU-R and SFMU zones in compliance with the following provisions:
1. The total expansion shall not exceed 20 percent of the existing gross floor area;
 2. The expansion is limited to one time for the full life of the structure;
 3. Off-street parking for the entire area of the expansion shall be provided in full compliance with Chapter 30.124 (Parking and Loading Area Requirements) without diminishing the existing off-street parking provided for the existing structure; and
 4. The parking lot or parking structure area required to provide the required parking shall not be included within the 20 percent limitation of the expansion area identified in Subsection (1), above.

For illustrative purposes only, the following example would comply with the expansion provisions of this Subsection:

Existing structure: 5,000 square feet

Maximum permitted structure expansion: 1,000 square feet

Minimum number of additional off-street parking spaces required within the IND zoning district (to be provided at a ratio of one parking space for each 500 square feet of gross floor area): 2

- G. A parking space that is nonconforming in terms of size shall continue to be recognized as a parking space provided the space meets the minimum dimensions specified in the Code at the time the spaces became required. Spaces that were provided at a time prior to parking spaces being required in the Code shall be considered as parking spaces provided they are at least 8 feet wide by 18 feet deep. In order to be considered as legal parking, the smallest one-car garage must have minimum interior dimensions of 8 feet wide by 18 feet deep with a minimum 8-foot wide garage door opening and the smallest two-car garage must have minimum interior dimensions of 16 feet wide by 18 feet deep with a minimum 16-foot wide garage door opening.