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**CHAPTER 18.10: GENERAL PROVISIONS**

**18.10.010 Title.**

This Title shall be known and may be referred to as the “City of Hawaiian Gardens Zoning Code” or “Zoning Code”.

**18.10.020 Purpose and Intent.**

- A. Purpose.** This Zoning Code is adopted for the purpose of promoting the public health, safety and general welfare, pursuant to Section 7 of Article XI of the California Constitution, the State Planning and Zoning Law (Government Code Section 65000 et seq.), the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable State laws.
- B. Intent.** This Zoning Code is intended to achieve the following objectives:
  - 1. To implement the City of Hawaiian Gardens General Plan;
  - 2. To provide a precise guide for the development, redevelopment, and use of land in the City;
  - 3. To secure for the residents of the City the social and economic advantages resulting from the planned and orderly use of its land resources;
  - 4. To classify, designate, regulate, and encourage the type, location, and use of buildings, structures, and land;
  - 5. To establish conditions which allow desirable land uses to exist in harmony and to protect them from intrusion by inharmonious or harmful land uses;
  - 6. To prevent undue intensity of land use or development, to avoid population overcrowding, to maintain a suitable balance between developed land and open space;
  - 7. To permit the development of office, retail, commercial, industrial, and transportation related uses , in order to strengthen the City’s economic base;
  - 8. To ensure that adequate off-street parking and loading facilities are provided and to promote a safe and effective traffic circulation system;
  - 9. To ensure that the demands do not exceed the capacities of existing streets, utilities, or public services; and

10. To protect the health and general welfare of the community by regulating the relationships of land uses to each other and promoting land use compatibility.

**18.10.030 Scope and Compliance.**

- A. **Scope.** This Zoning Code shall apply to properties, uses and structures of all private persons, public and private agencies and organizations, as found and conducted within the boundaries of the City of Hawaiian Gardens.
- B. **Compliance Required.** No uses or structures shall be established, occupied, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformity with this Zoning Code or other local, state or federal statute. Any permit, license certificate or approval granted in conflict with this Zoning Code shall be void and compliance with the provisions of this Zoning Code shall be required.
- C. **Limitations on Validity of Permits.** The issuance or granting of any permit or approval shall not be construed as an approval of any violation of any provision of this Zoning Code. The issuance of such a permit shall not prevent the City from thereafter requiring the correction of violations of this Zoning Code or of any other ordinance of the City.
- D. **Conflict with Other Regulations.** Whenever a provision of this Zoning Code and other City regulations impose overlapping or contradictory requirements, that provision which is more restrictive or imposes a higher standard shall control, except as otherwise expressly provided in this Zoning Code.
- E. **Business License.** No business license shall be issued unless the Community Development Director has determined that the use is in compliance with this Zoning Code.
- F. **Utility Connections.** The Building Inspector shall not authorize connection of any utilities, such as electrical energy, until there is compliance with all the provisions of this Zoning Code.
- G. **Certificate of Occupancy.** A Certificate of Occupancy shall be required for each new occupancy or change in an existing occupancy. Both the Community Development Director and the Building Official shall sign the Certificate of Occupancy.
- H. **Severability.** If any chapter, section, subsection sentence, clause, or phrase of this Zoning Code is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Zoning Code. The City Council hereby declares that it would have adopted this Zoning Code and each chapter of this Zoning Code thereof, irrespective of the fact that any portion of this Zoning Code might be declared invalid.
- I. **Prior Agreements and Approvals.**
  - 1. **Development Agreements.** Notwithstanding any provision of this Zoning Code, any development agreement which is valid as of the date of adoption of this Zoning Code shall remain in full force and effect until expiration of said agreement. For the purposes of the specific project approved in such a development agreement, permitted land uses, development standards, and other provisions specified in the development agreement shall supersede the provisions of this Zoning Code until expiration, alteration, or expansion.

2. **Approved Development Projects and Permits.** The development authorized under any specific plan, site development permit, grading permit, building permit, sign permit, or similar entitlement which was issued or vested pursuant to earlier ordinances of the City now in conflict with this Zoning Code, may be completed in accordance with the laws and regulations in effect at the time the permit or entitlement was vested. However, that development shall be considered non-conforming and subject to the provisions in *Chapter 18.100.130, Nonconforming Uses and Structures*, of this Zoning Code. Any project or permit requiring a time extension or substantial modifications to the original application shall conform to the requirements and standards of this Zoning Code. Determinations as to whether modifications are substantial shall be made by the Community Development Director.
  3. **Approved Subdivision Maps.** Any tentative tract or parcel map approved pursuant to earlier ordinances of the City now in conflict with this Zoning Code may be completed in accordance with the provisions of its approval, provided the approval has not expired, the development is completed within the time limit in effect at the time of its approval without extension of time therefore, and it complies with all other laws and regulations in effect at the time of its approval. Final tract and parcel maps shall be consistent with approved tentative tract or parcel maps and any applicable conditions of approval.
- J. General Plan Density and Intensity.** The density and intensity limitation established in the Land Use Element of the Hawaiian Gardens General Plan shall apply to each parcel within the City. This Zoning Code and the City's individual project approvals shall determine the exact development intensity of each project within the foregoing General Plan range. The City reserves the right to limit projects to intensities below the General Plan's upper limits in order to obtain compliance with applicable development standards of the underlying zone. When calculating densities for a particular parcel results in a fractional number, the fraction shall be rounded down to the next whole number.
- K. Building Across Property Lines.** Provided that legal parcels of record are owned by the same property owner, a building that establishes the main use may be developed across property lines provided that the properties are merged into one (1) parcel.
- L. Minimum Requirements.** The regulations contained in this Zoning Code are the minimum requirements necessary to accomplish the purposes set forth in the General Plan.
- M. Enforcement.** The Community Development Director or designee shall be responsible for enforcing the provisions of this Zoning Code.