



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

May 14, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Karen Simmons 
Section Head, Ordinance Studies

**SUBJECT: ZONING ORDINANCE UPDATE PROGRAM (ZOUP)
LANDSCAPING AND EXTERIOR LIGHTING
AND NONCONFORMING USES AND STRUCTURES
COMMISSION DISCUSSION DRAFTS**

Agenda of May 27, 2009 Discussion - Item No. 8

Attached is the Commission Discussion Draft of the Landscaping and Exterior Lighting standards and Nonconforming Uses and Structures regulations. Both documents were drafted by the consultants and thoroughly vetted by staff from various divisions within the Department.

The Landscaping section was written to include basic design recommendations, standards for landscaped buffers, and the provisions of the newly adopted Drought-tolerant Landscaping Ordinance. The Exterior Lighting section now contains standards to shield lighting, height limits for fixtures, and requirements to prevent light from reflecting onto neighboring properties.

The Nonconforming Uses and Structures was drafted to reflect modern trends in dealing with nonconformities, by allowing more flexibility and providing more specific parameters for continuance and alteration of nonconforming uses and structures. The draft also reflects a new amortization schedule that is more clear-cut and easier to regulate.

It should be noted that these documents are not the final version of these chapters; revisions to these drafts can still be made. The revised draft, the "Public Review Draft" will be prepared for the public hearings on the revised ordinance.

If you have questions prior to the discussion proceedings, please contact me at (213) 974-6432.

Attachment: Zoning Ordinance Update Program
Landscaping and Exterior Lighting and Nonconforming Uses and Structures
Commission Discussion Drafts

*Los Angeles County Zoning Ordinance Update
Program*

**Discussion Paper: Landscaping
and Exterior Lighting**

Prepared for

Los Angeles County

By

DYETT & BHATIA
Urban and Regional Planners

May, 2009

Los Angeles County Zoning Ordinance Update Program

Page intentionally blank.

TABLE OF CONTENTS

Introduction.....	i
Chapter 22.90: Landscaping.....	1
22.90.010 Purpose.....	1
22.90.020 Definitions.....	1
22.90.030 Applicability.....	2
22.90.040 Design Principles	3
22.90.050 General Requirements	4
22.90.060 Perimeter Buffer Landscape Requirements	4
22.90.070 Parking Lot Landscaping Requirements	5
22.90.080 Plants and Outdoor Decorative Elements	7
22.90.090 Other Requirements.	9
22.90.100 Landscape Plans.....	9
22.90.110 Modifications	10
Chapter 22.92: Exterior Lighting.....	11
22.92.010 Purpose.....	11
22.92.020 Definitions.....	11
22.92.030 Applicability.....	12
22.92.040 Exemptions.....	12
22.92.050 Development Regulations	13
22.92.060 Modifications	15

Los Angeles County Zoning Ordinance Update

INTRODUCTION

This paper is a revised draft of the Los Angeles County’s landscaping and exterior lighting regulations. Incorporated into the chapters is a select list of definitions related to these regulations. This paper is based on an analysis of Los Angeles County’s adopted and draft regulations and General Plan policies and builds upon comments from County staff on the draft version of this document. The revised draft incorporates a handful of new graphics, as requested by County staff.

The landscaping regulations incorporate and expand on provisions in the recently adopted Drought-tolerant Landscaping and Green Building Ordinances. New sections on design principles, maintenance requirements, and landscape plans are proposed. Highlights of the design principles include standards for perimeter screening and buffering, energy conservation and sustainable design, use of native and drought-tolerant plants, and enhancements to existing, naturally occurring landscapes. The draft regulations specify minimum landscaped area by zone and include provisions for parking lots and perimeter buffer yards. Required buffer yards are categorized by type so that buffer yard and associated landscaping requirements can be referenced throughout the ordinance.

The exterior lighting standards incorporate many of the provisions of the Draft Exterior Lighting Standards that has been developed for the rural areas of the Fifth Supervisorial District. The standards are divided into two parts. General requirements include maximum fixture heights, shielding standards, and limits on the intensity of light that can be reflected onto neighboring properties (termed “light trespass”). The chapter also includes standards specific to commercial and mixed commercial/residential uses, including building entrance illumination requirements and guidelines regarding hours of operation. The chapter includes lists of specific prohibitions and exemptions for various types of lighting commonly found throughout the County.

Los Angeles County Zoning Ordinance Update

Chapter 22.90: Landscaping

Sections:

22.90.010	Purpose
22.90.020	Definitions
22.90.030	Applicability
22.90.040	Design Principles
22.90.050	General Requirements
22.90.060	Perimeter Buffer Landscape Requirements
22.90.070	Parking Lot Landscape Requirements
22.90.080	Plants and Outdoor Decorative Elements
22.90.090	Other Requirements
22.90.100	Landscape Plans
22.90.110	Modifications

22.90.010 Purpose

The specific purposes of the landscaping regulations are to:

- A. Improve the appearance of development through landscaping that enhances the natural and built environment;
- B. Protect water quality and prevent soil erosion, through low impact development practices, by providing vegetated areas that absorb and filter storm water;
- C. Conserve water through the use of native and drought-tolerant plants, the grouping of plants by water needs, and efficient irrigation practices;
- D. Aid in energy conservation and combat the urban heat island effect by providing shade and shelter of impervious surfaces;
- E. Reduce air pollution and absorb greenhouse gas emissions through the biological filtering capacities of trees and vegetation, and reduce the negative quality-of-life effects of heat, noise, and glare; and
- F. Minimize or eliminate conflicts between potentially incompatible land uses on adjoining lots through landscaped buffers and screening.

22.90.020 Definitions

- A. "Drought-tolerant plant" shall mean a native or non-native plant that requires minimal use of water, and that is appropriate to the region's climate and the nature of a project's use.
- B. "Drought-tolerant plant list" shall mean a list of native and non-native plant species, approved by the Director and maintained by the Department, which list is organized by ecological zones for use in landscaped areas within all projects.

Los Angeles County Zoning Ordinance Update

- C. "Hydrozone" shall mean a portion of a landscaped area that has plants with similar water and sun needs and that are served by an irrigation valve or set of valves operating on the same schedule.
- D. "Landscaped area" shall mean any area planted with turf, shrubbery, flowers, or trees.
- E. "Mature tree" shall mean any tree rooted on a lot or parcel of land, the trunk of which is at least six (6) inches in diameter, measured four and one-half feet above mean natural grade.
- F. "Native plant" shall mean an indigenous plant that is naturally found within the County.
- G. "Public recreational lawn" shall mean an area planted with turf or other mowed ground cover that is maintained for recreation or enjoyment by the public, including athletic fields that are available for use by the public or membership associations.
- H. "Turf" shall mean grass maintained by mowing and watering.

22.90.030 Applicability

The standards of this chapter apply to all new development, structural alterations, and additions, except for the following:

- A. Alteration or enlargement that do not expand the existing floor area by 50 percent or more;
- B. Property that is in agricultural production, and areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens;
- C. Landscaping which is part of a registered historical site, public recreation lawn, any new or renovation project for a park, or ecological restoration projects that do not require a permanent irrigation system;
- D. Landscaping for a manufactured cut or fill slope equal to or exceeding a gradient of 3:1, when Public Works makes a determination that such exemption is necessary to comply with the requirements of the buildings code regulating engineered grading; and
- E. Landscaped areas required for low impact development (LID), water quality facilities such as vegetated swales, rain gardens, detention ponds or basins, areas of the project used to contain pollutants, or areas irrigated by reclaimed water, when Public Works makes a determination that such exemption is necessary for compliance with the LID standards established by Section XXXX, the Low Impact Development ordinance.

22.90.040 Design Principles

The following design principles are general recommendations that should be incorporated into landscaping designs and landscape plans whenever possible and feasible. They are meant to guide design to be consistent with the goals of the General Plan and the purpose of this Chapter 22.90.

- A. **Buffering and Screening.** The placement of natural landscape materials (trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection or utility enclosure. Plants may be used with fences or berms to achieve the desired screening or buffering effect. When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.
- B. **Natural Landscapes.** Landscape designs should incorporate and enhance existing natural landscapes and existing mature trees and native vegetation. Particular care should be given to preserve intact natural landscapes.
- C. **Native and Drought Tolerant Plants.** Landscape designs should feature native and/or drought-tolerant plant species, especially in areas adjacent to existing native vegetation, to take advantage of the unique natural character and diversity of the region and the adaptability of native plants to local environmental conditions.
- D. **Energy Conservation and Sustainable Design.** Attention should be given to locating landscape elements in a manner that provides energy conservation benefits. Tree canopies should be used to shade paved areas or structures, in an effort to combat the heat island effect and reduce greenhouse gas emissions.
- E. **Areas to be Landscaped.** In accordance with the purpose of this Chapter 22.90, the following areas shall be landscaped whenever possible and feasible:
 1. **Building Perimeters.** The portions of non-residential buildings that face onto a parking lot or front a public street should have one or more landscape planters installed along the building face.
 2. **Landscaped Buffer for Industrial Use Adjacent to Right-of-Way or Residential Zone.** A landscaped buffer should be provided between any industrial use and any property line adjacent to an existing major or secondary highway, as mapped by the General Plan, or residential zone. The landscaped buffer should be at least 10 feet in width and be composed of trees, groundcover, and/or shrubbery.
 3. **Other Areas.** Whenever possible, required landscaping should be used to:
 - a. Screen adjacent uses from parking areas, activities, storage or structures that could become detrimental adjacent uses based on aesthetics, noise, odors, etc;
 - b. Provide landscaping that is compatible with neighborhood uses; or

Los Angeles County Zoning Ordinance Update

- c. Deter placement of graffiti on walls.

22.90.050 General Requirements

- A. **Landscaping Requirements by Zone.** The following are zone specific requirements for landscaping. Required buffers, parking lot landscaping, and tree planting required by Section 22.90.080.C shall all count toward the requirements of this section. Landscaping shall be provided as follows:
 - 1. Projects in RHD, RMI, and MX zones shall landscape a minimum of ten percent of the developed lot area.
 - 2. Projects in CS, CG, and CR zones shall landscape a minimum of ten percent of the developed lot area.
 - 3. Projects in IL and IB zones shall landscape a minimum of five percent of the developed lot area.
- B. **Hydrozones.** Plants shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs.
- C. **Visibility.** Visibility at intersections, adjacent to public rights-of-way, or in parking lots shall not be blocked between a height of three and one half feet and seven feet for a depth of five feet.

22.90.060 Perimeter Buffer Landscape Requirements

Landscape buffers shall be installed and maintained alongside rear lot lines between differing land uses, in accordance with the following standards.

- A. **Required Landscape Buffers.** Table 22.90.060-1 shows when a buffer treatment is required, and of what type, based on the zone of the proposed use and the adjoining zone. Only the proposed use is required to provide the buffer yard. Adjoining uses are not required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations as shown in Table 22.90.060-2. “-” means that a buffer yard is not required unless required by another section of this Ordinance.

TABLE 22.90.060-1: REQUIRED LANDSCAPE BUFFERS								
Zone	Adjoining Zone							
	OS, W	RS, RM	RHD, RMI	RC, CM, MX	CG,CS,CR	IL, IG, IB	Major or Secondary Highway	
AG	Type 2	Type 3	Type 3	Type 2	Type 2	-	-	-
RS, RM	-	-	-	-	-	-	Type 2	
RHD, RMI	Type 1	Type 1	-	-	-	-	Type 2	
RC, CM, MX	Type 2	Type 3	Type 3	-	-	-	Type 2	-
CG,CS, CR	Type 2	Type 3	Type 3	Type 1	-	Type 1	Type 2	-
IL, IG, IB	Type 4	Type 4	Type 4	Type 4	Type 4	-	Type 3	

- B. **Buffer-yard Types.** Table 22.90.060-2 describes the minimum width, plant materials, and wall requirements for each type of buffer yard. The listed number of trees and shrubs are required for each 100 lineal feet of buffer yard. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Planning Director through a yard modification.

TABLE 22.90.060-2: BUFFER YARD REQUIREMENTS				
Buffer Yard Type	Minimum Width (feet)	Trees (at least 15 gallon size at time of planting)	Shrubs (at least five gallon size at time of planting)	Wall
Type 1	10	3	10	No
Type 2	15	4	15	No
Type 3	15	4	15	Yes (1)
Type 4	20	5	15	Yes (1)

1. **Walls.** A six foot high screening wall of stucco, decorative block, concrete panel, or wood shall be provided. Chain-link fencing does not fulfill the screening wall requirement. An earth berm may be used in combination with the types of screening wall listed above, for up to two-thirds of the required screening wall height.

22.90.070 Parking Lot Landscaping Requirements

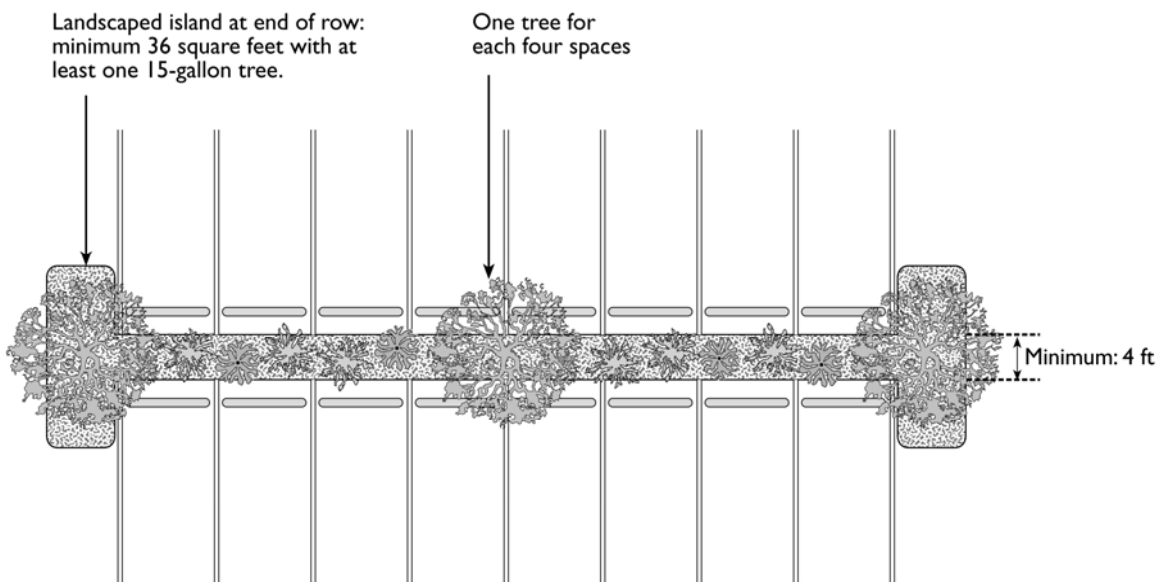
- A. **Landscape Area Required.** A minimum of 2 percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. The requirements of this Section 22.90.070 shall only be applied to parking lots containing 20 parking spaces or more.
- B. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, including curbing.

C. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:

1. Landscaped planting strips at least four feet wide between rows of parking stalls;
2. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
3. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
4. On-site landscaping at the parking lot perimeter.

D. **Required Landscaped Islands.** A landscaped island at least 36 square feet in area and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls.

FIGURE 22.90.070 D: LANDSCAPED ISLANDS



E. **Landscaped Buffer for Open Parking Adjacent to Right-of-Way or Residential Zone.** A landscaped buffer shall be provided between any surface parking area and any property line adjacent to an existing major or existing secondary highway, as mapped by the General Plan, or Residential Zone, unless a different type of buffer is specified in the base district standards applicable to a site. The landscaped buffer shall be at least ten feet in width and be composed of trees, groundcover, and/or shrubbery.

F. **Parking Garage Rooftop Planting.** Permanent rooftop planters with a minimum dimension of 24 inches may be used to count toward parking lot landscaping requirements.

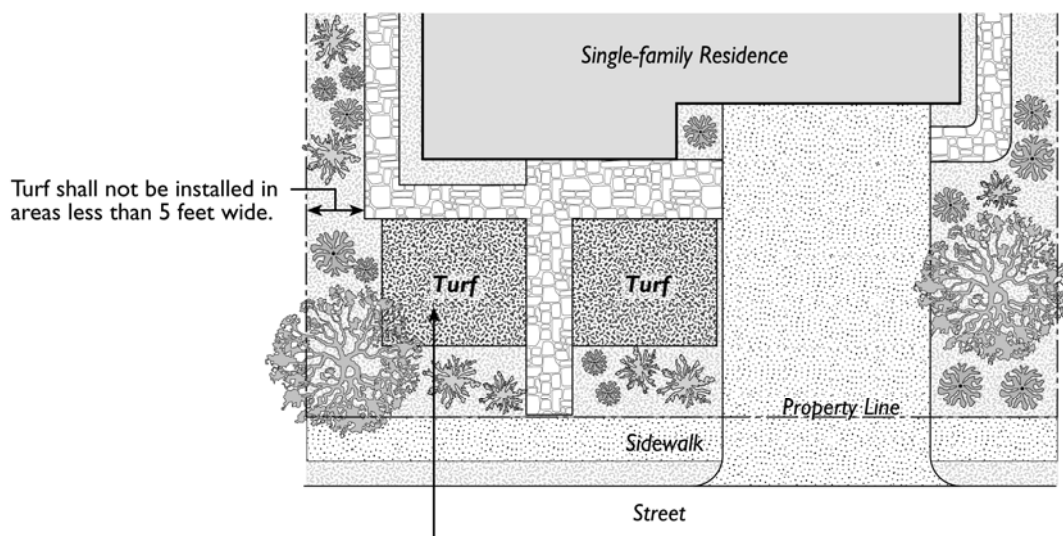
G. **Trees.**

1. **Number Required.** Trees shall be provided at a rate of one tree for each four parking spaces.
2. **Distribution.** Trees shall be distributed relatively evenly throughout the parking area.
3. **Species.** Required trees for parking lots shall be selected from the Parking Lot Tree List, a subset of the County Drought-tolerant Plant List.
4. **Size.** All trees shall be a minimum 15-gallon size at time of planting.

22.90.080 Plants and Outdoor Decorative Elements

- A. **Drought-tolerant Species.** A minimum of 75 percent of the total landscaped area shall be comprised of drought-tolerant and native plants from the County Drought-tolerant Plant List. For single-family residences, this requirement will only apply to the area measured from the front property line to the front of the residence.
- B. **Turf.** Lawn and turf may be incorporated into landscape designs in accordance with the following standards:
1. **Coverage.** No more than 25 percent of the total landscaped area. For single-family residences, this requirement will only apply to the area measured from the front property line to the front of the residence.
 2. **Maximum area.** No more than 5,000 square feet of the total landscaped area may consist of turf.

FIGURE 22.90.080 B: TURF



No more than 25 percent of the total landscaped area. For single-family residences this requirement will only apply to the area measured from the front property line to the front of the residence.

No more than 5,000 square feet of the total landscaped area may consist of turf.

All turf must be water-efficient, drought-tolerant species.

Los Angeles County Zoning Ordinance Update

3. **Dimensions.** Turf shall not be installed in areas less than five feet wide.
 4. **Species.** All turf shall be water-efficient. Approved species can be found in the County Drought-tolerant Plant List.
- C. **Trees.** Trees shall be provided as follows:
1. **Number and Size.**
 - a. For each single-family residence and duplex, a minimum of two 15-gallon trees, at least one of which shall be selected from the Drought-tolerant Plant List.
 - b. For multi-family residential dwellings and developments, and detached condominium developments, a minimum of one 15-gallon tree shall be planted and maintained for every 5,000 square feet of developed area, at least 50 percent of which shall be selected from the County Drought-tolerant Plant List.
 - c. For non-residential developments, a minimum of three 15-gallon trees shall be planted and maintained for every 10,000 square feet of developed area, at least 65 percent of which shall be selected from the County Drought-tolerant Plant List.
 2. **Lot Restrictions.** If the lot size or other site conditions make planting of the required trees impractical to comply with, the applicant may request that the trees be planted off-site at twice the ratio. The procedures for planting trees off-site shall be set forth in the Green Building Technical Manual and proof that such trees have been planted off-site shall be submitted to the Department.
 3. **Existing Mature Trees.** Any existing mature tree on the involved lot shall count toward the tree planting requirements of Section 22.90.080.C, regardless of whether such tree is listed on the Drought-tolerant Plant List. Such existing mature tree shall be shown on the site plan submitted to the Department.
- D. **Existing Vegetation Retention.** Existing healthy, mature trees and native trees, shrubs, and groundcover should be retained and incorporated into the landscape design, to the maximum extent possible.
- E. **Prohibited Species.** Plants identified as invasive by any County agency shall not be used. In addition, thorn-bearing plants shall not be planted or maintained adjacent to any public right-of-way.
- F. **Outdoor Decorative Elements.** Materials such as pebble, egg rock, and decorative sand may be used for up to a maximum of ten percent of any area required to be landscaped. These elements may be approved for use in lieu of required landscaped area when it is determined that the alternative design:

1. Accommodates topographical features of the site or the unique nature of the use; or
 2. Improves infiltration on the site by replacing paved areas with more permeable alternatives or providing retention areas for stormwater run-off.
- G. **Water Elements.** Pools, ponds, fountains, and other similar ornamental water features incorporated into the project shall be of a design, shape, and size that minimize water loss through evaporation. Recirculating water shall be used for decorative water features.

22.90.090 Other Requirements.

- A. **Drought-tolerant Landscaping Covenant.** A covenant shall be recorded in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject property is aware of the drought-tolerant landscaping requirements of this Chapter 22.90 and is aware of how said requirements apply to the owner's project.
- B. **Maintenance.** All landscaped areas shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.
1. **Trees.** Trees required by Section 22.90.080.C shall be maintained to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree showing such damage shall be replaced to maintain compliance with Section 22.90.080.C.
 2. **Clearance from Vehicles.** All landscaped areas adjoining parking lots shall be maintained so that plant materials are protected from vehicle damage by providing a minimum two-foot horizontal clearance of low-growing plants where a vehicle overhang is permitted.

22.90.100 Landscape Plans

- A. **Landscape Plan.** A landscape plan shall be submitted with the permit application for all projects for which landscaping is required for either the zone and/or the use and projects where a conditional use permit is required. Landscape plans shall be drawn to scale and shall at a minimum include:
1. Location of all native plants and existing mature trees to be preserved;
 2. Calculations showing the percent of landscaped area devoted to drought-tolerant, non-drought tolerant plants and turf;
 3. Any additional proposed outdoor decorative elements, including hardscape, water elements, and decorative features;

4. Other information as requested by the Director.

22.90.110 Modifications

- A. **Modifications to Landscaping Requirements.** Modifications to the requirements of this chapter may be granted as part of discretionary entitlement for the proposed development under the following circumstances. Modifications not part of discretionary entitlements for the proposed development shall be processed as a minor conditional use permit.
 1. The Director may grant a modification to the landscaping requirements of this Chapter 22.90 under the following circumstances:
 - a. When a project's topographical features, lot size, or other conditions make it unreasonable, impractical, or otherwise creates an unnecessary hardship to require compliance with these landscaping requirements; or
 - b. When the nature of a large scale or multi-lot project necessitates flexibility in the project design that impacts the landscaping for the project.
 - c. When the innovative use of plant materials and outdoor decorative elements responds to unique characteristics of the site or the proposed use.
 - d. When the project's design preserves or incorporates existing native vegetation including, but not limited to, chaparral, oak woodlands, and coastal sage scrub.
 2. Any request for modification to the landscaping requirements of this Chapter 22.90 that is not filed concurrently with an application for a permit, variance, or other discretionary entitlement under Title 22, or with an application for a subdivision under Title 21, shall be processed as a yard modification in accordance with section XXXX.
- B. **Modifications to Approved Plans.** The Director, may grant minor modifications to approved landscaping plans in compliance with the spirit and intent of this chapter.

Chapter 22.92: Exterior Lighting

Sections:

22.92.010	Purpose
22.92.020	Definitions
22.92.030	Applicability
22.92.040	Exemptions
22.92.050	Development Regulations
22.92.060	Modifications

22.92.010 Purpose

The purpose of this ordinance is to:

- A. Permit reasonable uses of exterior lighting for night-time safety, utility, security, productivity, enjoyment and commerce.
- B. Conserve energy and resources to the greatest extent possible.
- C. Minimize adverse offsite impacts including light trespass and obtrusive light.
- D. Curtail light pollution and preserve the nighttime environment.
- E. Protect the natural environment and the general public health, safety and welfare from the adverse effects of excessive night lighting from electric sources.

22.92.020 Definitions

- A. **Accurate color rendition.** The ability of man-made lights to accurately reproduce colors as compared to natural light.
- B. **Drop-down lens.** A lens or diffuser that extends below a horizontal plane passing through the lowest point of the opaque portion of a light fixture.
- C. **Emergency conditions.** The loss of electrical power, fire, security alarm, or other situation requiring uninterrupted illumination for the path of egress.
- D. **Exterior lighting.** Any equipment or fixture located or used to provide illumination of outdoor areas, objects or activities.
- E. **Foot-candle.** A unit of light energy received some distance away from a source. Foot-candles may be measured by a photometer.
- F. **Full cutoff fixture.** A light fixture that emits no light in the area above a horizontal plane passing through the lowest point of the fixture and not more than 10 percent of its light in the area between zero and 10 degrees below such horizontal plane. Full

Los Angeles County Zoning Ordinance Update

cutoff fixture is functionally identical to “Fully shielded fixture”. (Rural lighting version) Shielding for this fixture must be permanently affixed.

- G. **Glare.** The light entering the eye directly from light fixtures that causes visual discomfort or reduced visibility. For the purposes of this chapter, glare occurs when a lamp is directly viewable from a location off the property that it serves.
- H. **Lamp.** Any source created to produce optical radiation (i.e. “light”), often called a bulb or tube.
- I. **Light pollution.** Light scattered by the atmosphere that interferes with the observation of night sky.
- J. **Lighting fixture.** Light fixtures include but are not limited to the lamp, pole, post, ballast, reflector, lens diffuser, shielding, electrical wiring, and other necessary or auxiliary components.
- K. **Lighting system.** All exterior man-made lighting sources, associated infrastructure and controls on a site.
- L. **Light trespass.** Unwanted light that falls on neighboring properties or public right-of-ways. Light trespass also includes glare or distraction for observers away from the area for which the light is intended.
- M. **Lumens (lm).** “Lumen” means a unit of light energy produced by a fixture, calculated as a rating by the manufacturer.
- N. **Obtrusive light.** Light that produces sky glow, light trespass, glare or other undesirable environmental impacts.

22.92.030 Applicability

- A. **New Lighting.** Unless otherwise expressly stated, this chapter shall apply to all new exterior lighting. Exterior lighting includes, but is not limited to all lighting fixtures attached to buildings, structures, poles, or self-supporting structures and may be found on parking lots, walkways, building entrances, outdoor or exterior sales areas, landscaping, recreational fields, and building facades.
- B. **Replacement Lighting.** Unless otherwise expressly stated, the standards of this chapter apply whenever additions or replacements to existing exterior lighting are installed, including upgrades and replacements to damaged or destroyed fixtures.

22.92.040 Exemptions.

The following lighting fixtures and systems shall be exempt from the requirements of this chapter:

- A. Lighting fixtures within the public right of way. Lighting fixtures used to illuminate private property from these areas is excluded from this exemption.

Los Angeles County Zoning Ordinance Update

- B. Lighting required by a health or life safety statute, ordinance or regulation, including but not limited to, emergency lighting required by the Occupational Safety and Health Administration.
- C. Temporary lighting used by law enforcement or emergency services personnel to protect life or property.
- D. Temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
- E. Lighting used in or for the purpose of lighting swimming pools, hot tubs, decorative fountains and other water features, subject to Article 680 of the California Electrical Code.
- F. Temporary lighting for activities permitted by a Special Event Permit. Areas other than those used for film or live performances are not included in this exemption.
- G. Sign lighting (See Chapter 22.74, Signs).
- H. All exterior light fixtures producing light directly by combustion of fossil fuels, such as kerosene lanterns or gas lamps.
- I. Spotlights and flood lighting is permitted for the purpose of emphasizing architectural accents or details on buildings, sculptures, or landscaping, as long as such lighting does not create light trespass or obtrusive light. Such lighting shall be prohibited between the hours of midnight and sunrise if projected above the horizon.
- J. Temporary uses shall comply with Section 22.92.050-A and B-1, and be exempt for Section 22.92.050-B.2.
- K. Lighting for public facilities including but not limited to prisons, airports, and hospitals shall comply with Section 22.92.050-A.1, but be exempt from Section 22.92.050-A.2, A.3 and B.

22.92.050 Development Regulations

A. General Requirements

- 1. ***Shielding.*** All exterior lighting shall be fully shielded.
- 2. ***Light Trespass.*** Lighting may not illuminate other properties in excess of a measurement of .5 foot candles of light.
- 3. ***Maximum Height.*** The maximum height for exterior lighting shall be as follows:

Los Angeles County Zoning Ordinance Update

TABLE 22.92.050: MAXIMUM HEIGHT FOR EXTERIOR LIGHTING	
<i>Zone</i>	<i>Maximum Height for Exterior Lighting (in feet)</i>
RS	20
RM, RHD, and RMI	25
CN, CG, CS, CR, MX	30
LI, GI, IB	35

B. Additional Requirements for Mixed and Commercial Uses. All lighting shall comply with the following:

1. ***Building Entrance Lighting.*** All building entrances shall install light fixtures that provide accurate color rendition so that persons entering or exiting the establishment can be easily recognized. Building entrance lighting shall be used between sundown and 10 p.m. or one hour past the close of the business, whichever is later.

2. ***Hours of Operation.***

a. Exterior lighting shall be turned off between the hours of 10 p.m. and sunrise, except where uses operate past 10 p.m., lighting shall be turned off one hour after the close of business or use dimmers per Section b.iii, below.

b. All exterior lighting systems shall install one or more of the following:

i. Automatic time switch controls used to turn lighting off after 10 p.m.;

ii. Motion sensors used to turn on lighting after 10 p.m. when activity is detected. Such lighting shall remain on no longer than 10 minutes after being activated; or

iii. In lieu of turning lighting off, automatic dimmers used to reduce light levels by a minimum of 50 percent after 10 p.m.

c. ***Exemptions.***

i. Code required lighting for steps, stairs, walkways, and points of ingress and egress to building and other facilities.

ii. Lighting governed by a discretionary use permit in which times of operation are specifically identified.

C. Prohibitions. The following lighting fixtures and systems shall be prohibited:

1. Drop Down Lenses;
2. Mercury vapor lamps;

3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.
- D. **Maintenance.** Exterior lighting fixtures and lamps shall be maintained in good working order.

22.92.060 **Modifications**

- A. Modifications to the standards in this section shall be approved through a minor conditional use permit as established in Division 7.
- B. In addition to the findings of a minor conditional use permit, modifications shall comply with all of the following findings:
 1. Conserve energy and resources to the greatest extent possible.
 2. Minimize adverse offsite impacts including light trespass and obtrusive light.
 3. Curtail light pollution and preserve the nighttime environment to the greatest extent possible.
 4. Protect the natural environment and the general public health, safety and welfare from the adverse effects of excessive night lighting from electric sources.
 5. The inherent nature of the project, topographical features, or lot size make it unreasonable, impractical, or otherwise creates an unnecessary hardship to require compliance with these requirements.
- C. **Lighting Plan.** Except for new and additions to single family residence, modification applications for new buildings and building additions shall include the location, fixture type, and fixture height of all exterior lighting and information about shut-off timers and hours of operation for exterior lighting where required by this subsection for review and approval by the Director.

*Los Angeles County Zoning Ordinance Update
Program*

Discussion Paper:
**Nonconforming Uses and
Structures**

Prepared for
Los Angeles County

By

DYETT & BHATIA
Urban and Regional Planners

May, 2009

Discussion Paper: Nonconforming Uses, Structures, and Lots

Page intentionally blank.

INTRODUCTION

This discussion paper is intended to address how nonconforming uses and structures should be dealt with in the Zoning Ordinance Update Program (ZOUP). Recommendations are drawn from the County's current regulations, the consultant team's study of current practice in peer jurisdictions, and County staff and stakeholder comments on issues and concerns. Regional Planning Commission and County Counsel comments will help County staff and the consultant refined these recommendations.

Dealing with Nonconforming Uses and Structures

Legally established uses and structures that do not comply with existing land use regulations are likely to be an increasing problem as the County tries to promote infill development and implement a redevelopment strategy. If rezoning is needed to conform to the new General Plan land use categories, this may create nonconformities.

The County's current provisions regarding nonconforming uses, buildings, and structures impose significant limitations on the use and alteration of nonconforming structures. Property owners are required to bring nonconforming buildings into full conformance with current standards whenever the cost of routine repairs or maintenance exceeds 50 percent of the market value during any 12-month period. Moreover, no new use or structure can be established on any property that contains a nonconforming building or use under most circumstances. Section 22.56.1540 of the current code requires termination of nonconforming uses and structures in compliance with a prescribed amortization schedule, unless extended or revoked as provided for in the code.

The schedule is presumably designed to allow a user to continue the nonconforming use for a "reasonable amount of time" to enjoy the benefits of its economic life. After which, the owner must terminate the use or modify it to conform to the allowed list of uses and applicable zone-driven development standards in the subject zone.

A number of Code users suggested that it may be timely and appropriate to reconsider the amortization provisions. Another suggestion was the need for provisions that provide more distinction between nonconforming structures and nonconforming uses.

This paper proposes a tiered system for ZOUP that distinguishes between those nonconforming uses that are relatively benign and those that are detrimental to surrounding owners and residents. This approach would provide more flexibility than the current requirements. The code would be changed to make it easier to upgrade those nonconforming properties that do not substantially conflict with General Plan policies and to eliminate those activities and structures that are clearly incompatible with and detrimental to surrounding uses. A tiered system could include a procedure for licensing nonconforming uses that grants property owners the privilege of continuing nonconforming activities subject to certain requirements. Another alternative would be modification of the existing amortization program in Section 22.56.1540 to only apply to certain types of nonconforming uses.

This type of strategy for dealing with nonconforming situations recognizes that nonconforming uses and structures are not all the same. Some are the type of "nasty but necessary" activities, such as auto repair shops that generate noise, odors, dust, and traffic or require the use of potentially hazardous materials or procedures. Other nonconforming

Discussion Paper: Nonconforming Uses, Structures, and Lots

situations, such as billboards and adult businesses, may have little or no value to the community but may be shielded by statutes and case law. Another category is made up of buildings and uses that help to define the distinctive character of a neighborhood or district—a long-time commercial use in a residential neighborhood or older homes that have substandard yards or inadequate parking. This category may also include nonconforming multiple dwelling structures that are an important community resource because they provide affordable housing and have some protections under State law.

The proposed regulations for Chapter 22.86 will establish a process that applies different rules to:

- Benign nonconforming uses that could remain indefinitely;
- Uses that should be replaced at some time in the future in order to implement the General Plan’s long term objectives where redevelopment and/or reuse is unlikely in the near term because of economic or market considerations; and
- Uses that are inconsistent with the Plan and zoning regulations, will impede implementation of the Plan, and are detrimental because of health, safety, or substantial aesthetic impacts.

Many counties and cities in California have elected to discontinue use of the amortization schedule approach when updating their zoning ordinances. Some have not only eliminated this approach entirely, but have gone on to incorporate far more flexibility and even forms of “amnesty” into their nonconforming provisions (e.g., limits on structural additions could be tailored to afford greater flexibility to new uses within older nonconforming buildings). Such changes are consistent with a “green” approach to regulation that recognizes the environmental implications of requiring demolition of structurally sound buildings. They also recognize that in many cases older nonconforming uses and structures contribute to the distinctive character of a city or its neighborhoods.

The County may want to retain the amortization requirements only for specified problem uses or problem areas within the County (e.g., through use of a Nonconforming Use Amortization Overlay District). Benign nonconforming uses such as small nonconforming commercial uses and structures or multi-family residential structures in a single-family district, could be allowed to remain and, under certain circumstances, altered or extended subject to discretionary review. Uses that should eventually be replaced (for example, a wholesale business in an area targeted for office or neighborhood retail development) pose a different problem when market conditions do not support redevelopment in the near term.

Another example might be an area that is targeted for major infrastructure improvements or public investment at some time in the future. In such cases, the Code could allow continued operation and even expansion subject to a time-limited use permit. This would allow a business to continue operating and generating tax revenues for a long enough period to depreciate the improvement. Depending upon economic considerations and other factors, the County could, if necessary, grant an extension to this permit. This could be either a Director or an RPC decision.

Some other approaches that the County could use to deal with nonconformities that result from adoption of a revised zoning ordinance include:

Los Angeles County Zoning Ordinance Update

- Establishing procedures for regulating operation of nonconforming uses with a temporary permit or license that is issued only after making findings showing compliance with specific criteria set forth in licensing ordinance. Performance criteria should be based on (but no more stringent than) standards applicable to new uses under current requirements and may include design standards. This procedure should be coupled with more stringent requirements governing allowable changes in operations and physical improvements associated with nonconforming activities. Amortization provisions can exempt licensed non-conforming uses or allow them to remain for a reasonable amortization period.
- Creating a “sphere of influence” for evaluating nonconforming uses and their impacts, using performance standards relating to proximity.
- Establishing procedures for transferring, banking, or selling the entitlement to nonconforming commercial activities where they cannot meet performance standards.
- Establish procedures for terminating specified nonconforming uses following a reasonable amortization period reflecting the depreciated value and remaining useful life of the owner’s investment in improvements and other factors.
- Allowing a change in character of nonconforming use to different use that is more compatible with new General Plan land use designations.

Both San Bernardino County and Santa Barbara County modified their mandatory amortization programs to allow them to focus only on specified problem uses. San Bernardino County also allows the Director to respond to problem uses by fixing a date for termination of the use, while Santa Barbara County provides for the Planning Commission to recommend a date for termination, with confirmation required by the Board of Supervisors.

The preliminary draft regulations for Chapter 22.86 offer a balanced approach for dealing with nonconformities. Policy questions to help guide review and discussion follow.

Policy Questions

Establishing a Classification System for Nonconforming Uses

This discussion paper proposes that the County adopt a new approach to regulating nonconforming uses that would allow it to distinguish among different categories of nonconforming uses that should be regulated differently. Benign uses would be treated differently from potentially harmful or detrimental nonconforming uses.

Should the ordinance include provisions that would apply different rules to:

- *Benign nonconforming uses (e.g., classified as such via codified thresholds and measurable criteria and findings) that could remain indefinitely;*
- *Uses that should be replaced at some time in the future in order to implement the General Plan’s long term objectives where redevelopment and/or reuse is unlikely in the near term because of economic or market considerations; and*

Discussion Paper: Nonconforming Uses, Structures, and Lots

- *Uses that are inconsistent with the General Plan and zoning regulations, will impede implementation of the Plan, conflict with Community Standards Districts (CSDs), and are detrimental because of health, safety, or substantial aesthetic impacts?*

Allowing Conforming Uses in a Building with Substandard Parking

Under the current ordinance, an existing building or structure on a site that does not meet parking standards can only be reoccupied by a use that has the same or a lower parking requirement than the existing or previous use even if the new use is permitted. This regulation can be a serious deterrent to the revitalization of older neighborhoods where many lease spaces have substandard or no off-street parking. The proposed regulations would change these provisions, making it easier for infill development to occur.

Should the ordinance allow changes in the use of a building or structure that does not meet parking requirements subject to the approval of a Minor Use Permit?

Providing More Flexibility for Reuse and Repair of Nonconforming Structures

The County now requires owners to bring nonconforming buildings into full conformance with current standards whenever the cost of routine repairs or maintenance exceeds 50 percent of the market value during any 12-month period. Moreover, no new use or structure can be established on any property that contains a nonconforming building or use under most circumstances. Proposed changes would add additional flexibility.

Should the ordinance be revised to allow more extensive repairs and improvements to nonconforming structures than allowed by the current ordinance?

Requiring a Minor Use Permit to Alter Nonconforming Public and Utility Uses and Structures

The current ordinance allows additions, alterations, and extensions of publicly owned nonconforming uses and structures as long as the changes do not extend beyond the site boundaries. Similar provisions apply to nonconforming public utilities equipment or facilities but not to public utility offices, service centers or yards. The proposed revisions would offer more flexibility for these situations.

Should the ordinance treat nonconforming public and public utility uses and structures in the same manner as privately-owned uses and structures to the extent allowed by State law?

Chapter 22.86: Nonconforming Uses and Structures

Preliminary draft for County staff and RPC review; provisions for nonconforming signs will be addressed as part of sign regulations.

Sections:

- 22.86.010 Purpose and Applicability**
- 22.86.020 Establishment of Lawful Nonconforming Uses and Structures**
- 22.86.030 Continuation and Maintenance of Nonconforming Structures**
- 22.86.040 Damaged or Partially Destroyed Structures**
- 22.86.050 Alterations and Enlargements to Nonconforming Structures**
- 22.86.060 Classification of Nonconforming Uses**
- 22.86.070 Change of Nonconforming Use**
- 22.86.080 Expansion of Nonconforming Use**
- 22.86.090 Abandonment of Nonconforming Uses**
- 22.86.100 Nonconforming Uses Termination Conditions and Time Limits**

22.86.010 Purpose and Applicability

This chapter establishes provisions for the regulation of nonconforming structures and uses that were lawful before the adoption or amendment of this code or previously adopted County ordinances, but which would be prohibited, regulated, or restricted differently under the terms of this code or future amendments to the code or County Zoning Map.

22.86.020 Establishment of Lawful Nonconforming Uses and Structures

- A. **Nonconformities.** Nonconforming status may result from any inconsistency with the requirements of this ordinance including, but not limited to, location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved use permit or other required authorization. Lawful nonconforming uses and structures are addressed in this chapter.
- B. **Nonconforming Uses and Structures.** Any lawfully established use or structure that is in existence on the effective date of ordinance or any subsequent amendment but does not comply with all of the standards and requirements of this ordinance shall be considered lawfully nonconforming. Lawfully nonconforming uses and structures may only be continued subject to the requirements of this chapter.
 - 1. **Nonconforming building or structure.** This term means any building or structure that was lawfully established and in compliance with all applicable ordinances and laws, but no longer complies with all applicable regulations and standards of development in the zone in which it is located. “Nonconforming building or structure” does not include a building or structure located in the coastal zone which is consistent with the provisions of this Title 22 with the exception of obtaining a coastal development permit.

2. ***Nonconforming use.***

- a. This term means any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws, but which, due to the application of this title or any amendment thereto is a use not listed as permitted, accessory, administrative review, or subject to a permit in the zone in which it is located.
- b. Nonconforming use shall also include uses made nonconforming by the addition of a development standard previously not required for such use in the same zoning classification, where such added standard is specified to be a condition of use.
- c. Nonconforming use does not include a use located in the coastal zone which is consistent with the provisions of this Title 22 with the exception of obtaining a coastal development permit.

22.86.030 Continuation and Maintenance of Nonconforming Structures

- A. **Right to Continue.** Any structure that was lawfully established prior to the effective date of this ordinance or of any subsequent amendments to its text or to the County zoning map may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this chapter. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as otherwise provided in this chapter. Lawful nonconforming structures may be repaired, maintained or replaced in compliance with the requirements of this section unless deemed to be a public nuisance because of health or safety conditions.
- B. **Maintenance and Nonstructural Repairs.** Maintenance, non-structural repairs and non-structural interior alterations are permitted to a nonconforming structure or to a structure occupied by a nonconforming use, so long as the changes and improvements do not enlarge or extend the structure.
- C. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only when the County department of public works determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property, and when the cost of such work does not exceed 50 percent of the appraised value of the nonconforming structure. The determination of the appraised value shall be the higher of:
 - 1. The records of the Assessor of the County of Los Angeles for the fiscal year during which the application is received; or

2. An appraisal performed by a certified appraiser within one year of the application date.

22.86.040 Damaged or Partially Destroyed Structures

A lawful nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 50 percent of the appraised value of the building or structure replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The determination of the appraised value shall be the higher of:

- A. The records of the Assessor of the County of Los Angeles for the fiscal year during which the application is received; or
- B. An appraisal performed by a certified appraiser.
- C. If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the building or structure replacement determined pursuant to subsection A, the land and building shall be subject to all of the requirements of this ordinance. However, the Director may approve a Minor Use Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed as long as the previous use is continued as provided for in this chapter.

22.86.050 Alterations and Enlargements to Nonconforming Structures.

Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions.

- A. Alterations and enlargements which comply with following are subject to the approval of a zoning conformance review:
 1. Alterations or enlargements are necessary to meet city or state requirements; and
 2. Alterations or enlargements meet current requirements of the zone in which the structure is located.
- B. Alterations and enlargements which comply with following are subject to the approval of a Minor Use Permit:
 1. Alterations or enlargements which extend in to a nonconforming yard or height limit, where the alteration or enlargement would not:
 - a. Further reduce any existing nonconforming yard;
 - b. Exceed applicable building height limits;
 - c. Further reduce existing nonconforming lot coverage or floor area ratio requirements; and

- d. Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of use only, unless provided in this section.
- C. Additional standards for single-family and duplex residential:
1. Alterations or enlargements up to 50 percent of the lawful, nonconforming structure may be made to single-family and duplex residences without requiring any additional parking space or changes to an existing driveway provided that such alterations or enlargements neither increase the number of dwelling units on the lot if approved by a Minor Use Permit.
 2. Notwithstanding the requirements of subsection C.1, a second unit in compliance with Section 22.84.430 and State law may be developed on a lot that contains a single-family dwelling that is nonconforming with respect to standards. If the single family dwelling is nonconforming because it does not meet parking standards, a second unit may only be established when parking is provided to meet the applicable requirements of Section 22.84.430 for both the primary dwelling and the second unit.

22.86.060 Classification of Nonconforming Uses

The Director may classify lawfully established nonconforming uses for the purpose of determining whether to permit substitution or expansion subject to the requirements of this chapter. The classification of any use or structure shall be optional and shall be based on written application by a qualified applicant, including such information as may be deemed necessary to determine that the use was lawfully established and to make any other findings that may be required.

- A. **Class I.** Class I nonconforming uses are designated by the Director after determining that:
1. The existing nonconforming use was lawfully established;
 2. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
 3. The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted specific, area, or community plan or Community Standards District (CSD);
 4. The proposed use will not depress the value of nearby properties; and
 5. No useful purpose would be served by strict application of the provisions or requirements of these Regulations with which the use or structure does not conform.
- B. **Class II.** Class II nonconforming uses include any lawfully established non-residential use that involves the storage, use, or generation of hazardous materials,

processes, products, or wastes, or other activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, vibration, or other conditions that would be incompatible with surrounding uses.

22.86.070 Change of Nonconforming Use

No lawful nonconforming use shall be substantially expanded or changed to a different use without the approval of a Minor Use Permit unless the new use is permitted by right. This requirement shall not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this ordinance and the use is not expanded.

- A. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the zone in which it is located and complies with all applicable standards for such use.
- B. **Use Permit.** Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining the required permit.
- C. **Parking.** If a use is nonconforming solely with respect to existing parking standards, the structure devoted to the use may be maintained and repaired but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces unless parking is provided under current standards for the addition or intensification of use only.

22.86.080 Expansion of Nonconforming Uses

No lawful nonconforming use may be expanded without the approval of a Minor Use Permit. Only Class I nonconforming uses may be expanded.

- A. **Within a Conforming Structure.** A nonconforming use in a structure that conforms to the applicable requirements of this ordinance and to the requirements of the Building Code may expand the floor area that it occupies, subject to the approval of a Minor Use Permit provided that no structural alteration is proposed or made for the purpose of the expansion.
- B. **Within a Structure That Does Not Conform to the Building Code.** Any nonconforming use in a structure that does not conform to the Building Code may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.
- C. **Within a Nonconforming Structure.** A nonconforming use in a structure that does not conform to the requirements of this ordinance may expand its occupancy and building floor area subject to the requirements of the previous section and the approval of a Minor Use Permit.
- D. **Expansions to Other Structures or Lots.** A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of this ordinance.

- E. **Area Limit.** The expansion of the nonconforming use shall not exceed 50 percent of the area that the nonconforming use legally occupies at the time of application.

22.86.090 Abandonment of Nonconforming Uses

No lawful nonconforming use may be resumed, reestablished, or reopened after it has been abandoned or vacated for a period of one year, except:

- A. The lawful nonconforming status of a single-family or duplex residence shall not lapse, regardless of the length of time of non-use; or
- B. The owner/operator can provide evidence of continual operation, including:
 - 1. Monthly business receipts;
 - 2. Tax returns received within the previous 12 months;
 - 3. Other materials for review by the Director.

22.86.100 Nonconforming Uses Termination Conditions and Time Limits

Nonconforming uses and buildings and structures nonconforming due to use, and to buildings and structures nonconforming due to standards, shall be discontinued and removed from their sites or the use terminated within the time specified in this section, except when extended or revoked as otherwise provided in this title. In the case of nonconforming uses and buildings or structures nonconforming due to use:

- A. Where the property is unimproved, one year;
- B. Where the property is unimproved except for buildings or structures of a type that does not require a building permit, three years;
- C. Where the property is unimproved except for buildings or structures which contain less than 100 square feet of gross floor area, or where such buildings or structures have a total market value of \$500.00 or less as reflected by the current assessment roll, three years;
- D. Outdoor advertising signs and structures, five years;
- E. Where a nonconforming use is carried on in a conforming structure, five years except where the provisions of subsection 3 apply;
- F. In other cases, 20 years from the effective date or operative date where later of the ordinance or amendment thereto establishing said nonconforming status, except for three-family dwellings, apartment houses, and other buildings used for residential occupancy, which shall have a time limit of 35 years.