

5/8/2025 Staff turn page review of draft chapter 17.02

17.02 General Provisions and Administration (revise, update, and add)

17.02.010 Title and Relationship to General Plan. (new)

A. Title.

The ordinance codified in this title shall be known as the “comprehensive zoning code of the city.” The provisions of this zoning code (Code) supersede all prior ordinances codified in Title 17 of the Covina Municipal Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Code, unless this Code specifically authorizes such validation and is in conformance with all other regulations.

B. Relationship to General Plan.

The Code implements the goals and policies of the Covina General Plan by regulating land use and structures within the City. This Code shall be consistent with the General Plan. Any permit, license, or approval issued under this Code must be consistent with the General Plan and all applicable Specific Plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

17.02.020 Purpose and Intent. (revise)

The Code establishes the standards and guidelines for the City to protect and promote the public health, safety, comfort, convenience, welfare, and to:

- A.** Implement the goals and objectives of the general plan and guide and manage the City's future growth in accordance with the plan.
- B.** Protect the physical, social, and economic stability of residential, commercial, industrial, and other land uses within the City to ensure their orderly and beneficial development.
- C.** Reduce hazards to the public resulting from the inappropriate location, use, or design of buildings and other improvements.
- D.** Attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

17.02.030 Severability. (new)

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, even though any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

17.02.040 Administrative Responsibility/Authorities. (new)

Government Code § 65100 requires each jurisdiction to establish a planning agency to carry out its land use and planning functions. This section aims to establish and describe the administrative

responsibilities of city officials and bodies (e.g., city council, planning commission, director of community development) to carry out the land use and planning functions of the City.

- A. The City Council is the legislative body of the City and shall have the following land use responsibilities:
 - 1. Hear and decide applications for permits and entitlements as listed in _____.
 - 2. Hear and decide appeals of Planning Commission decisions.
 - 3. Directions planning-related policy amendments and special studies as necessary or desired.
 - 4. Approve environmental documents related to legislative actions under the California Environmental Quality Act (CEQA).
 - 5. Exercise other powers and duties prescribed by state law or local ordinance.
- B. The Planning Commission shall have the following land use responsibilities:
 - 1. Hear and decide applications for entitlements as provided in _____.
 - 2. Hear and decide appeals from decisions made by the director of community development.
 - 3. Hear and make recommendations to the city council on applications for zoning code amendment, zone change, general plan amendment, specific plan amendment, and other land use entitlement and related planning studies.
 - 4. Hear and make recommendations to the city council on environmental determinations for legislative land use applications and entitlements that are subject to environmental review under the California Environmental Quality Act (CEQA) under State law.
 - 5. Perform other powers and responsibilities as prescribed by state law and local ordinance or as directed by the city council.
- C. Historic Preservation Commission. Members of the planning commission are appointed to serve as the City's historic preservation commission. The commission's responsibilities are to hear and make recommendations to the city council on determining which buildings and/or sites are historic, designating local historic landmarks, and approving alterations to designated local landmarks.
- D. The Director of Community Development (director). The director or designee shall have the responsibility and authority to administer and enforce this title as follows:
 - 1. Administer and enforce the provisions of the General Plan, Zoning Code, Zoning Map, and applicable city ordinances related to land use and development.
 - 2. Review and act on applications for administrative permits, including zoning clearances, sign permits, and minor modifications, as authorized by the Covina Municipal Code.
 - 3. Provide recommendations and reports to the planning commission and city council on matters related to planning and development.
 - 4. Serve as the designated environmental coordinator for the City, ensuring compliance with the California Environmental Quality Act (CEQA) and other environmental regulations.
 - 5. Interpret and provide determinations on the Zoning Code and other land use regulations.

6. Review and process applications for conditional use permits, variances, and subdivisions for consideration by the planning commission.
7. Ensure public noticing requirements are met for projects requiring public hearings.
8. Conduct site inspections to ensure compliance with approved plans, permits, and conditions of approval.
9. Maintain and update the General Plan, Zoning Code, and other planning documents as necessary.
10. Oversee and manage the day-to-day operations of the planning department, including staff supervision and allocation of resources.
11. Perform other duties and responsibilities as assigned by the city manager or required by law.

17.02.050 Rules and Interpretations (new)

This section aims to specify the authority and procedures for clarifying ambiguity in the regulations of this title to ensure the consistent interpretation and application of this title.

A. General Rules.

1. In the case of conflicts between specifically stated standards and regulations and general statements of intent, specific provisions shall control.
2. This Code provides diagrams to illustrate the requirements of the zoning code's text. In the event of conflict between the text of this Code and a figure, diagram, heading, or graphic, the text controls.
3. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected words or provisions shall apply.
 - b. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
 - c. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
 - d. "Either... or" indicates that the connected words or provisions shall apply singularly but not in combination.
5. The words "shall," "will," "must," and "is to" are always mandatory and not discretionary. "Should" is a regulation that is not mandatory but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive.
6. The present tense includes the past and future tenses, and the future tense includes the past.
7. The singular number includes the plural, and the plural, the singular.
8. Unless otherwise indicated, All references to departments, committees, commissions, or boards are to those of the City of Covina.
9. All references to public officials are to those of the City of Covina and include designated deputies of such officials unless otherwise indicated.

B. Personnel and Documents.

1. "Director" shall refer to the Director of Community Development or their designee.

2. "CMC" shall refer to the Covina Municipal Code.
 3. "Code" shall refer to this Zoning Code.
 4. "Commission" shall refer to the Covina Planning Commission.
 5. "Council" shall refer to the Covina City Council.
 6. "Building Official" is responsible for plan checking the structure and safety of and inspecting all wall and fence plans.
 7. "City" means the City of Covina.
 8. "General plan" means the general plan for the City.
 9. "General plan land use map" means the land use map for the City.
 10. "Zoning map" means the City's official zoning map.
 11. "Site plan" means a plan showing the proposed arrangements of buildings and facilities on the land as outlined in Chapter 17.64 CMC and other City ordinances.
- C. Calendar Days. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend, holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period (5:00 PM).
- D. Definitions. The director shall interpret any definition not expressly identified in this Code.
- E. Uncertainty of Boundaries. If an uncertainty exists as to the boundaries of any zone shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.
- F. Rules of Measurement. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the director.
- G. Fractions. Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
1. General Rounding. Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number, and fractions equal to or less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
 2. Exception for State Affordable Housing Density Bonus. The calculation of fractions related to permitted bonus density units for projects eligible for bonus density under Government Code Section 65915 or any successor statute shall be rounded up to the next whole number.

- H. Minimum requirements. All provisions of this Code are considered minimum requirements unless specifically stated otherwise.

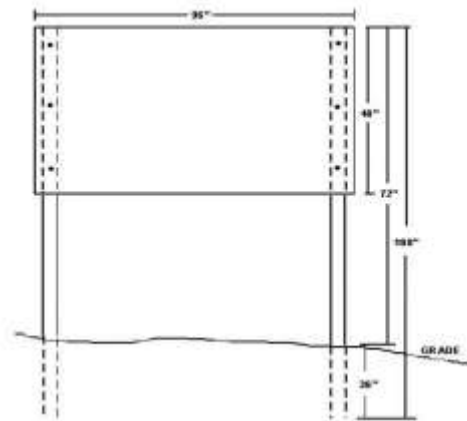
17.02.060 Public Hearings and Noticing Requirements. (new)

The following procedures shall govern the notice and hearing where required under this title. The designated approving authority shall hold a public hearing to consider all applications for conditional use permits, variances, major site plan reviews, tentative subdivision maps, specific plans, planned community development, zoning code/map amendments, development agreements, and general plan amendments considered by the planning commission or city council.

- A. Notice of hearing. Under Government Code §§ 65090 to 65094, public notice of such hearing shall be given in the manner listed below not less than 10 days before the scheduled date of the public hearing. Any applications requiring legislative action, such as General plans and amendments, specific plans and amendments, zoning code/map amendments, and development agreements, shall require notice not less than 20 days before the scheduled date of the public hearing.
1. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general description of the matter to be considered and the real property that is the subject of the hearing.
 2. Notice of public hearing shall be published in at least one newspaper of general circulation in the City.
 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
 4. Notice of the public hearing shall be mailed, postage prepaid, to property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available assessment role or a larger radius if the director deems it necessary to provide adequate public notification.
 5. Notice of public hearing shall be posted in the city hall.
 6. The public hearing notice will be sent to any person or group that has filed a written request for notice regarding the specific application.
 7. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.
- B. Alternative Method for Large Mailings. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of a mailed notice, the director (or city clerk for city council hearings) may provide notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation in the City, at least 10 days prior to the hearing not including the hearing date.
- C. Supplemental noticing requirements. (new)
1. Any development projects that include a general plan amendment, a new specific plan, an Environmental Impact Report (EIR), or as determined to be necessary and desirable by the director based on the nature and complexity of the project will require the following additional noticing:

- a. Post one large notification sign with the minimum dimensions of four feet by eight feet in a conspicuous place on the project site abutting a street not more than 10 feet inside the property line but no closer than five feet to a property line.
- b. The large notification sign shall have a maximum height of 6 feet, and shall have support elements made of four-inch by four-inch wood posts.
- c. Post the large notification sign at least 20 days from the scheduled hearing date. Remove such notice sign within 10 days of the final decision.

(Need a graphic)



CITY OF COVINA (6-INCH)	
NOTICE OF PUBLIC HEARING (6-inch)	
FILE NO.:	_____ (2-inch)
APPLICANT:	_____ (2-inch)
PROPOSAL:	_____ (brief, 2-inch)
DATE:	_____
AT:	Covina City Council Chambers 125 E. College Street
For further information contact City of Covina, Planning Division, 626-384-5450, 8:00 am to 5:00 pm Monday through Thursday. (2-inch)	

2. Conditional Use Permit (non-development types) noticing. Post one public hearing notice window sign with the minimum dimensions of 11 inches by 17 inches to the inside of the storefront window at least 10 days from the scheduled date of hearing. The director shall prescribe the format and content of the public hearing notice. Such notice sign shall be removed within 10 days of the final decision.
3. Single-Family Residential noticing.
 - a. Any single-family residential projects involving the construction of a new single-family house, additions that increase the total square footage of the existing house by more than fifty percent (50%), or a second-story addition will require a notice to be mailed to adjacent properties within a one-hundred-foot radius of the project site at the time the planning application submittal is deemed complete for processing.

- a. The noticing contents shall be consistent with this chapter and as prescribed by the director.

- D. Failure to Notify Individual Properties. The validity of the proceedings shall not be affected by the failure of any property owner, resident, or community organization to receive mailed notice.
- E. Public Hearing Procedures.
- The city council or planning commission shall hold a public hearing on the date, time, and location specified in the notice. The appellant shall present relevant information and supporting data for the appeal.
 - The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the case's permanent file.
 - Any hearing may be continued to a specific date. If the hearing is not continued to a specific date and time, then the hearing shall be re-noticed.
 - Notification of the decision shall be mailed to the applicant at the address provided on the application.

17.02.070 Approval Authority (new)

- A. Designated Approving Authority.

Table 17.02.070 Approval Authority					
Type of Action	Applicable Code Section	Role of Review Authority			
		Director	Historic Preservation Commission	Planning Commission	City Council
Legislative Action					
Development Agreements and Amendments		NA	NA	Recommend	Decision
Zoning text and map Amendments		NA	NA	Recommend	Decision
General Plan and Specific Plan Amendments		NA	NA	Recommend	Decision
Historic Designations and Local Historic Landmarks		NA	Recommend	NA	Decision
Nonconforming Uses, Structures, and Sites		Recommend	NA	Decision	Appeal
Use Determination		Recommend	NA	Decision	Appeal
Interpretations of Zoning Code and Zoning District Boundary		Recommend	NA	Recommend	Decision

Subdivision (tentative tract or parcel map)	CMC Chapter 16. XX	Recommend	NA	Recommend	Decision
Planning Permits, Approvals, and Administrative Actions					
Administrative Use Permit		Decision	NA	Appeal	Appeal
Conditional Use Permits		NA	NA	Decision	Appeal
Modification and Revocation of Permits		NA	NA	Decision	Appeal
Minor Deviation		Decision	NA	Appeal	Appeal
Variance		Recommend	NA	Decision	Appeal
Reasonable Accommodation	17.18.050	Decision	NA	Appeal	Appeal
Site Plan Review		Decision	NA	Appeal	Appeal
Home-based business		Decision	NA	Appeal	Appeal
Zoning Clearances		Decision	NA	Appeal	Appeal

- B. Multiple Applications and Entitlements. When a proposed project requires more than one land use entitlements, planning applications, and permits, it shall be processed concurrently, and final action shall be taken by the highest-level designated approving authority (i.e., city council) for all such requested land use entitlements, permits and planning applications. In such cases, the planning commission shall be the recommending body.
- C. Referral to the Planning Commission. At any point in the application review process, except as prohibited by law (i.e., ADU or two-unit development and urban lot split), the director may elect to transfer decision-making authority to the planning commission at his or her discretion. Decisions referred to the planning commission shall be considered at a regular public meeting. A referral to another decision-maker is not an appeal and requires no appeal application or fee.

17.02.080 Appeals (revise, update, and add new – part of regulations from section 17.62.130)

- A. Appeal authority. Any interested person may appeal any action of the director, historic preservation commission, or planning commission made pursuant to this section within ten days from the date of the action.
- B. If the appeal is initiated by a member of the council, such initiation of appeal shall not be effective unless approved by a majority of the elected members of the council acting at the next regular meeting of the council following the date of filing of such appeal. Such initiation of appeal shall be considered without public hearing or discussion of the merits of the matter by the council. No appeal fee shall be required. There shall be no presumption or inference of bias shall be made because of such an appeal.

- C. Filing an appeal and accompanying fee. All appeals shall be submitted in writing, identifying the determination or action being appealed and explicitly stating the basis or grounds of the appeal. Appeals shall be filed within ten days following the date of the determination or action for which an appeal is made. The appeal request must be accompanied by a filing fee established by city council resolution, and submitted to the City Clerk.
- D. The filing of an appeal within the time limit herein specified shall stay the order of the commission and the issuance of any permits predicated thereon until the council has either acted thereon or until a majority of the council has failed to approve an appeal by a member of the council, whichever date first occurs.
- E. Notice, appeal hearing, and action.
 - 1. Notice of hearing for the appeal shall be provided under the noticing requirements of Section 17.02.060. The city council shall hold a public hearing on the date, time, and place specified in the notice.
 - 2. Each appeal hearing shall be considered a de novo (new) hearing.
 - 3. The council shall state the basis for its action on an appeal. The council may confirm, modify, or reverse the action of the approving authority, in whole or in part, or add or amend such conditions as it deems necessary. The city council's action is final on the date of the decision and may not be further appealed beyond the council level.
 - 4. Notification of the council action shall be mailed to the petitioner at the address shown on the petition.

17.02.090 Designation of Zones, Sphere of Influence, and Zone Boundaries (moved from 17.06.010, 17.06.030 and 17.06.070)

- A. Designation of Zones.
Zones are established to classify, regulate, designate, and distribute the uses of land and buildings; regulate and restrict the height, setbacks, and bulk of buildings; regulate the area of yards and other open spaces around buildings; and regulate the density of population. For purposes related to the orderly development of the City and to carry out the provisions of this title, the City is divided into the following zones:

Residential Zones

E-1 estate	Residential zone (single-family estate)
E-1/2 estate	Residential zone (single-family estate)
R-1-20,000	Residential zone (single-family)
R-1-10,000	Residential zone (single-family)
R-1-8500	Residential zone (single-family)
R-1-7500	Residential zone (single-family)
RD	Residential zone (multiple-family)

Commercial Zones

NOC	Neighborhood Office Commercial zone
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CC Community Commercial zone
RC Regional Commercial zone

Industrial Zone
I Industrial Zone

Public Use Zones
OS Open Space
P Public Park

B. Zoning annexed areas or prezoning areas to be annexed. (*DO WE STILL NEED THIS SECTION*)

1. Where indicated zone boundaries are approximately street, alley, or lot lines, the lines are determined to be the boundaries of the zone. Otherwise, the boundaries shall be determined by the dimensions shown on the "official zoning map." In the absence of a dimension, the boundary shall be determined by use of the scale shown on the map.
2. A street, alley, railroad or railway right-of-way, watercourse, drainage channel or body of water included on the zoning map shall, unless otherwise indicated, be included within the zone of adjoining property on either side thereof; and where such street, alley, watercourse, drainage channel or body of water serves as a boundary between two or more different zones, the centerline, or midway line, of such right-of-way, watercourse, channel or body of water extending to the general direction of the long dimension thereof shall be considered the boundary between zones.
3. In the event that a vacated street, alley, right-of-way, or easement was the boundary between two zones, the new zone boundaries shall be at the new property line or at a line established at or within 50 feet of the centerline of the street, alley, right-of-way or easement that has been vacated.
4. Where uncertainties exist, the commission shall, by written decision, determine the location of the zone boundary. (1964 Code Appx. A § 0.70.)

C. Zoning annexed areas or prezoning areas to be annexed.

The planning commission shall, when directed by the council, recommend zoning, as part of the annexation procedure, for an area to be annexed, pursuant to which the council may, in accordance with the recommendations of the planning commission, or as such recommendations may be amended by the council, provide by ordinance, adopted concurrently with or in advance of, the ordinance of annexation, appropriate zoning or prezoning as such zoning classification may be defined herein. Proposed changes of zone affecting territory to be annexed to the City may be initiated and hearings may be held thereon prior to the effective date of annexation when so authorized by the council.

17.02.100 Zoning Map (moved from 17.06.020 and 17.06.040)

The boundaries of each zone are shown on the "official zoning map," which is incorporated into this title as if fully described herein. The original of the official zoning map shall be kept on file with the city clerk and shall constitute the original record.

17.02.110 Zoning Map and Text Amendments (moved from 17.06.050 and 17.80)

- A. Zoning map amendments (zone changes). A change in the zoning map changing any property from one zone to another shall be made according to the provisions of section 17.02.060.
1. The property owner proposed for rezoning, or the authorized representative of the owner may initiate proceedings by filing a petition with the director on prescribed forms. The zone change application with the accompanying filing fees shall be made in full and complete and include such data and information as may be prescribed by the director to assist in determining the validity of the request.
 2. The planning commission or the city council may initiate a zone change by motion and assign the director to proceed with the application.
 3. Department Investigation. The director shall investigate the facts bearing on the proposed zone change to provide the information necessary to ensure action is consistent with the intent of this title and the general plan.
- B. Zoning code (text) amendments.
1. Any amendment to the text of this title that imposes any regulation not previously imposed or removes or modifies any such regulation previously imposed shall be made according to the procedure of section 17.02.060.
 2. The planning commission or the city council may initiate a zoning code amendment by motion and assign the director to proceed with the application.
 3. The director may request the planning commission or city council to initiate a zoning code amendment.
 4. Department Investigation. The director shall investigate the facts of the proposed zoning code amendment and provide information necessary to ensure action consistent with the intent of this title and the general plan.
- C. All amendments and changes shall be recorded by the city clerk within 48 hours after they become effective. These data shall then be filed with the director. At the end of each fiscal year, the director shall prepare a new amended official zoning map showing all changes and amendments enacted during the previous period of time.

17.02.120 Compliance and Penalties (move from section 17.85)

- A. Interpretation – Purpose - Conflict
- In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. This title does not intend to interfere with the abrogation or annul any easement, covenant, or other agreement between parties. Where this title imposes a greater restriction upon the use of buildings or land, or the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this title shall control.
- B. Permits and Licenses - Compliance
- All departments, officials, or public employees vested with the duty of authority to issue permits or licenses, where required by law, shall conform to the provisions of this title. No

license or permit for uses, buildings, or purposes where the same would conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

No premises shall be occupied or used, and no building hereafter erected or altered shall be occupied or used until a certificate of compliance has been issued by the secretary of the city planning commission, provided that such certificate of compliance shall be required only within those areas mapped under the provisions of this title.

- C. Violation - Penalty. Any person, firm, or corporation violating any of the provisions of this title is guilty of a misdemeanor unless otherwise specifically provided, and upon conviction thereof, is punishable as provided in CMC 1.16.010. Each such person, firm, or corporation is guilty of a separate offense for every day during any portion of which any violation of any provisions of this title is committed, continued, or permitted by such person, firm, or corporation and is punishable, therefore as provided for in this title. Any use, occupation building, or structure maintained contrary to the provisions hereof constitutes a public nuisance.