

## ORDINANCE NO. 339

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING CHAPTER 9.02.030 and SECTION 9.03 OF THE BRADBURY ZONE CODE RELATING TO NON-CONFORMING STRUCTURES AND DEMOLITIONS

THE CITY COUNCIL OF THE CITY OF BRADBURY DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 9.03 - the following section shall be amended to read as follows: **Section 9.03 Definition of “Non-conforming building or structure”** as follows: “Non-conforming building or structure shall mean a building or structure or portion thereof, which was lawfully constructed in accordance with both the zoning regulations and/or building code of the City in effect as of the time of construction, but does not conform to the regulations as contained in the Bradbury Municipal Code by adoption or reference in effect at such time permits are issued for an alteration or addition to a structure on the property.”

The following section shall be amended to read as follows: **Section 9.03 Definition of “Demolition” (Demolished) as follows:** All residential, non-residential, and accessory structures shall be considered demolished when the alteration, reconstruction, or elimination of either 50% or more of physical materials or equaling 50% or more of the assessed or replacement value of the existing structure where “physical materials” includes the foundation, roof, floors, walls, and framing and etc.”

**SECTION 2:** Chapter 9.02.030 – the following section shall be amended as follows: **“Section 9.02.030.030A.** Continuation of Non-conforming Uses, Building and Structures. Each and every non-conforming use, building or structure may be continually utilized and maintained subject to the provisions of this Chapter Articles VIII and IX of the Municipal Code, provided that the alteration, addition or enlargement to any such building or structure does not result in a demolition as defined herein, except as otherwise expressly provided herein. If a structure is either 1) proposed to be demolished as part of a development proposal, or 2) undergoes an unanticipated demolition during the construction process or natural event, the structure shall lose its non-conforming status. In the event that the unanticipated demolition of a structure takes place during the construction of an alteration, addition or enlargement, that had previously been approved under the project scope that a demolition would not occur, the Building Official may deem that the project has lost the non-conforming status under this Chapter and deem the structure to be out of compliance with the previous approvals, and require that the building or structure comply with the current requirements. To the extent that this action alters compliance with the zoning ordinance or a discretionary approval granted under the zoning ordinance, the approval authority may review the project anew and to the extent the demolition impacts the building ordinance, the Building Official may require that the project comply with the current building code.”

**SECTION 3. SEVERABILITY**

If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and to that end the provisions of this ordinance are severable.

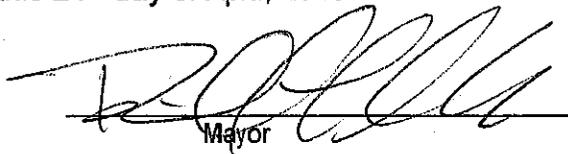
**SECTION 4. EFFECTIVE DATE**

The ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

**SECTION 5. CERTIFICATION.**

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED, AND ADOPTED**, this 21<sup>st</sup> day of April, 2015

  
Mayor

**ATTEST:**

  
Claudia Saldana, City Clerk

**APPROVED AS TO FORM:**

  
Cary Reisman, City Attorney

"I, Claudia Saldana, City Clerk, hereby certify that the foregoing ordinance, being Ordinance No. 339, was introduced at a regular meeting of the City Council of the City of Bradbury, held on the by the following roll call vote:

AYES: Mayor Hale, Mayor Pro-Tem Lewis, Councilmembers Lathrop, Pycz, Barakat  
NOES: None  
ABSENT: None

  
Claudia Saldana, City Clerk