

ARTICLE 4

Standards for Specific Land Uses

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Chapter 17.400 - STANDARDS FOR SPECIFIC LAND USES

17.400.005 - Purpose

This Chapter provides site planning and development standards for land uses that are allowed by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards) in individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

17.400.010 - Applicability

Land uses and activities covered by this Chapter shall comply with the provisions applicable to the specific use, in addition to all other applicable provisions of this Title.

- A. **Where allowed.** The uses that are subject to the standards in this Chapter shall be in compliance with the requirements of Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards).
- B. **Land use permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the land use permit required by Article 2, except where a land use permit requirement is established by this Chapter for a specific use.

17.400.015 - Alcoholic Beverage Sales

This Section provides location and operating standards for the establishment of alcoholic beverage sales facilities (for off-site or on-site consumption), in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

- A. **Permit Requirement.** Establishments offering the retail sales of alcoholic beverages are subject to all of the restrictions of the applicable zoning district and shall only be allowed as identified in Table 4-1, which may require an Administrative Use Permit (AUP) or a Conditional Use Permit (CUP) in compliance with Chapter 17.530.

**TABLE 4-1
PERMIT REQUIREMENTS FOR ALCOHOLIC BEVERAGE SALES**

Zoning District(s): Type of Establishment	Permit Requirement
<u>CN Zoning District:</u>	
1. Alcoholic beverage sales incidental to a restaurant or retail use if located:	
a. Within 300 ft of residentially zoned property or an elementary/secondary school.	CUP

Zoning District(s): Type of Establishment	Permit Requirement
b. More than 300 ft from a residentially zoned property or an elementary/secondary school.	AUP
<u>CG, CD, CC, CRR, CRB, IL, IG, and S Zoning Districts:</u>	
1. Alcoholic beverage sales that are not incidental to a restaurant if located:	
a. Within 300 ft of residentially zoned property or an elementary/secondary school.	CUP
b. More than 300 ft from a residentially zoned property or an elementary/secondary school.	No use permit required
2. Alcoholic beverage sales incidental to a restaurant if located:	
a. Within 300 ft of residentially zoned property or an elementary/secondary school.	AUP
b. More than 300 ft from a residentially zoned property or an elementary/secondary school.	No use permit required
3. Alcoholic beverage sales with the concurrent retailing of motor vehicle fuel.	CUP

B. Considerations for Approval of a Use Permit. In making the findings required for the approval of an Administrative Use Permit or Conditional Use Permit, the following issues shall also be considered.

1. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages.
2. Whether the proposed use will result in any adverse impact on any adjacent or nearby residential uses, religious facilities, schools, libraries, public parks and playgrounds, and other similar uses.

C. Vehicle Fueling Stations Selling Alcoholic Beverages. In addition to the other requirements of this section, vehicle fueling stations selling alcoholic beverages shall be subject to the following:

1. No advertisement of alcoholic beverages shall be displayed at motor vehicle fuel islands.
2. No illuminated advertising for alcoholic beverages shall be located on buildings, windows, doors, or freestanding signs.

17.400.020 – Animal Boarding, Pet Day Care, Veterinary Clinics and Animal Hospitals

This Section provides operational standards for kennels, pet day care facilities, veterinary clinics and animal hospitals in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

A. Operational Standards.

1. All operations must be conducted within a completely enclosed building.
2. Outdoor dog runs and training activities are permitted only within the IG or IL zone and when the facility is located at least 200 feet from a residentially zoned property.
3. The areas within the building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties, as determined by the Director.
4. The areas of the building where animals are boarded shall have a minimum of 10 air changes per hour.
5. Animal isolation areas shall have 100% fresh air with all air exhausted and none returned to the ventilation system.
6. Public access areas shall be provided with a separate ventilation system from the animal boarding and treatment areas.
7. The areas used for animal boarding, isolation, and treatment shall be constructed of easily cleaned materials.
8. All areas where animals are present shall be cleaned a minimum of twice daily in order to provide appropriate odor control and sanitation.

17.400.025 - Automatic Teller Machines (ATMs)

This Section provides location, development, and operating standards for automatic teller machines (ATMs), in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

A. Location Requirements. ATMs proposed on the exterior of structures shall be (See Figure 4-1):

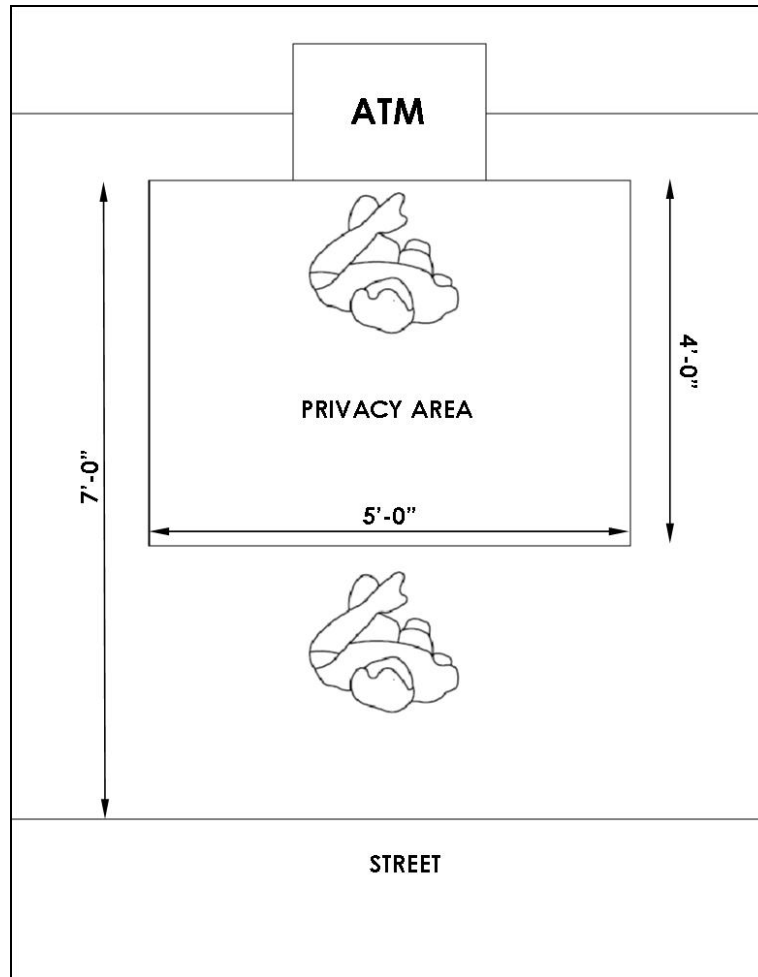
1. Setback from an adjacent street curb or alley by a minimum of 7 feet.
2. A privacy area immediately in front of each ATM measuring at least 5 feet wide by 4 feet deep shall be provided. Methods for defining the privacy area shall be approved by the Director.
3. Located to not eliminate or substantially reduce any landscaped areas.

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4. Located to not allow drive-through access from a vehicle.
5. Located to ensure the safety and security of patrons.

**FIGURE 4-1
ATM LOCATION REQUIREMENTS**



- B. Design.** All construction and modifications to the exterior of the structure pertaining to the installation of the ATMs shall be completed in a manner consistent with the architectural design of the structure and in conformance with all applicable City architectural standards and guidelines.
- C. Lighting.** Each exterior ATM shall be provided with security lighting in compliance with Section 17.300.040 (Outdoor Lighting) or State law, whichever is more restrictive.
- D. Maintenance.** Each ATM shall be provided with receptacles sufficient in size and number to accommodate trash and smoking materials generated by users of the ATM.
- E. Parking.** In addition to any other off-street parking required by Chapter 17.320 (Off-Street Parking and Loading) for any other uses located on the site, each exterior ATM shall require one off-street parking space. The required parking shall be located as close as possible to, but not more than 100 feet from, the ATM, and shall be marked, as approved by the Director, for the exclusive use of ATM customers. ATMs located within the CD zone are exempt from both the parking space and proximity requirements.

17.400.030 - Check Cashing Businesses

This Section provides location and operating standards for check cashing business in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. Distance Separation.** A minimum linear distance of 1,000 feet shall be required to separate all check cashing businesses from another existing check cashing or pawnshop business, parks, playground, primary and/or secondary schools, and single-family zoned property.
- B. Plans Required.** Development plans shall be submitted with the application for the required Conditional Use Permit clearly illustrating the details of the proposed exterior (e.g., elevations, lighting, signs, etc.), interior (e.g., layout and design, lighting, window display, etc.), days and hours of operation, and customer queuing in order to ensure that the use shall be developed and operated in a manner that would be compatible with an attractive, stable, and thriving commercial district conducive to retail shopping.

17.400.035 - Child Day Care Facilities

This Section provides location, development, and operating standards for child day care facilities, in a manner that recognizes the needs of childcare operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Title and requirements imposed by the California State Department of Social Services. Licensing by the Department of Social Services is required for all facilities.

The establishment of a child day care facility shall comply with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), and the following criteria and standards:

- A. Large Family Day Care Home – Administrative Use Permit Required.** A Large Family Day Care Home requires approval of an Administrative Use Permit, in compliance with Chapter 17.530 (Administrative Use Permits and Conditional Use Permits), and is subject to the following additional provisions:
 - 1.** Notice of filing of the application shall be in accordance with Chapter 17.620 (Public Hearings and Administrative Review) and the following additional requirements:
 - a.** The notice shall include information on the right to request a hearing on the application.
 - b.** The notice shall be mailed by the Director within 15 days after receipt of a complete application.
 - 2.** Except as provided in Subsection A.3., immediately below, the Director shall have authority without a hearing to approve, conditionally approve, or disapprove the application based on the required findings in Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).

3. If one of the property owners or occupants notified in compliance with Subsection A. 1. above files a written request with the Division within 15 days after the date the notice was mailed, the application shall be referred to the Planning Commission for public hearing. The hearing shall be promptly scheduled by the Director. Notice of the hearing shall be in accordance with Chapter 17.620 (Public Hearings and Administrative Review). Any person may present oral or written testimony at the hearing. The Planning Commission shall approve, conditionally approve, or disapprove the application based on the required findings in Chapter 17.530 (Administrative Use Permits and Conditional Use Permits).
4. The decision on the application by the Director or Commission may be appealed in compliance with Chapter 17.630 (Appeals).

B. Large Family Day Care Homes - Development Standards. The following standards shall apply:

1. The home shall be the principal residence of the child care provider, and the child care use shall be incidental to the residential use.
2. A minimum 175-foot radius separation shall be provided from every other similar use. However, if the frontage of the proposed use is along the same street as the frontage of another similar use, the minimum separation shall be 300 linear feet.
3. A minimum of 600 square feet of open space shall be provided for an outdoor play area, none of which shall be located in the required front setback, and all of which may be satisfied by the minimum open space requirements identified in Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
4. Use of the outdoor play areas shall be limited to the hours of 8:00 a.m. to 6:00 p.m. only.
5. On-site advertising signs shall be prohibited.
6. In addition to the required residential parking, one additional on-site parking space shall be provided for each employee not residing on the site.
7. The traffic and noise generated by a large family day care home shall not adversely impact the residential character of the neighborhood in which it is located. The applicant shall provide the Director with information relating to traffic and noise on an environmental information form provided by the City. This information shall be used to determine whether adverse impacts will likely occur. If the applicable review authority determines adverse impacts will likely occur, the application may be approved subject to development conditions (e.g., mitigation measures) which would reduce the identified impacts to acceptable levels.
8. Each operator shall secure and maintain a valid State issued license for the operation of a large family day care home at the proposed location. The Use Permit shall not become effective until the applicant provides the Director with a copy of the State issued license nor shall it remain in effect unless the applicant maintains a current valid State issued license.

9. The Fire Department shall conduct a fire clearance inspection for the facility upon receipt of the appropriate paperwork from the California State Department of Social Services. Fire and life safety inspections will be conducted annually thereafter.

17.400.040 - Condominium Conversions

A. Purpose and Applicability.

1. The purpose of the standards and requirements contained in this Section is to control and regulate the conversion of rental dwelling units to condominiums for the purpose of assuring the orderly conversion of such units consistent with City policies regarding public health, safety, and welfare.
2. These provisions shall apply to proposals to convert existing developments of 5 or more rental dwelling units on any parcel to condominiums, which shall require the approval of a Site Plan Review by the Planning Commission subject to compliance with the Property Development Standards described herein.
3. Developments of less than 5 rental units shall be prohibited from converting to condominiums.

B. Application Requirements.

1. Applications for a Site Plan Review and a Tentative Map to allow a project to convert from rental to ownership units shall be accompanied by sufficient information to evaluate the project for compliance with the provisions of this Section.
2. Required information shall include the following:
 - a. **Plans.** A detailed site plan and floor plan, as required by the Planning Division, that reflect existing conditions and proposed improvements to the building and/or site.
 - b. **General conditions report.** A report detailing the condition and estimating the remaining useful life of each element of the proposed condominium project including: built-in household appliances, mechanical systems, electrical systems, plumbing systems, sewer systems, foundations, framing, roofs, heating and cooling systems, interior and exterior wall coverings, utility connections, fire sprinkler systems, alarm systems, standpipe systems, structural elements, trash disposal facilities, parking facilities, recreational facilities, landscaped areas, and storage areas. This report shall be prepared by an independent, State-licensed structural engineer, architect, or general contractor.
 - c. **Building history report.** A report detailing the major uses of the development site since construction and the date and description of all structural renovations, operating system upgrades, major repairs requiring a building permit, and construction of structures, fences, walls, landscaping, etc.

- d. **Pest report.** A pest information report addressing the present condition of the structure as it may be affected by dry rot, roaches, termites, or other insects, and recommending work required to render the structure free of infestation.
 - e. **Acoustical report.** An inter-unit acoustical report, prepared by a licensed and certified acoustical professional.
 - f. **Site improvements report.** A report that lists all proposed site improvements.
 - g. **Tenant list.** One typed mailing list and two sets of mailing labels (formatted for reproduction on City labels) with the names and addresses of all tenants of the project at the time of the application to the City. An updated list of tenant names and addresses shall be submitted every 6 months following submittal of the application until such time as final action has been taken.
 - h. **Tenant notification.** The subdivider shall submit copies of all written notices required by the California State Subdivision Map Act and Section 17.400.055.E., Tenants' Rights, with a complete list of all tenants notified.
 - i. **Other information.** Other information as may be required by the Director to provide a thorough evaluation of the proposed condominium project.
- C. **Inspections.** The following inspections shall be made after the application has been deemed complete:
- 1. The Building Official or designee shall review the General Conditions Report and inspect the property to verify the accuracy of the General Conditions Report, to identify any health and safety hazards, and to identify any non-permitted construction on the site.
 - 2. The Fire Marshal shall review the General Conditions Report and inspect the property to determine the sufficiency of the current fire protection systems and to identify any health and safety hazards.
- D. **Property Development Standards.**
- 1. **Minimum project size.** A minimum of 5 units per development shall be required for the conversion of existing multi-family dwelling units to condominiums.
 - 2. **Access ways and exiting.** All life and fire safety issues, such as stairs, corridors, and doors, shall comply with Uniform Building Code regulations in effect at the time of conversion.
 - 3. **Adequate light and ventilation.** Adequate light and ventilation shall meet Uniform Building Code regulations in effect at the time of conversion.
 - 4. **Emergency egress.** Emergency egress shall meet Uniform Building Code regulations in effect at the time of conversion.
 - 5. **Fire suppression.** Smoke detectors meeting current Uniform Building Code requirements at the time of conversion shall be installed in residential units and other enclosed common

areas (e.g. hallways, recreation rooms, and utility rooms). Additional fire suppression equipment (e.g. alarm systems, fire extinguishers, and smoke detectors) shall also be provided as required by the Fire Department.

6. **Minimum room dimensions.** Minimum room dimensions, including minimum ceiling heights, floor area, and width, shall meet the Uniform Building Code regulations in effect at the time of conversion.
7. **One hour separation.** A minimum one hour separation shall be provided between dwelling units and accessory rooms, such as common storage rooms and laundry rooms.
8. **Structural condition.** Structures shall be in sound condition, pest- and vermin-free, and watertight, as determined by the General Conditions Report and the inspection by the Building Official or designee.
9. **Off-Street parking.** Off-street parking shall be provided consistent with Zone Standards in effect at the time of conversion.
10. **Separate utility metering.** The consumption of gas and electricity shall be separately metered for each dwelling unit. A water shut-off valve shall be provided for each dwelling unit.
11. **Sound attenuation.** Common walls and ceilings of units shall be constructed or upgraded using techniques to limit noise transmission as specified by the Uniform Building Code for new construction or equivalent in effect at the time.
12. **Public works.** Missing or damaged off-site improvements, including the following, shall be repaired or replaced: curb and gutter, drive aprons, sidewalks, streetlights, and street trees.
13. **Landscaping.** All landscaping shall be in compliance with Chapter 17.310 (Landscaping).
14. **Laundry facilities.** Each dwelling unit shall be provided with its own laundry facilities, or alternate group facilities that are convenient to all dwelling units and approved by the City.
15. **Minimum unit size.** The minimum unit size shall be consistent with Zone Standards in effect at the time of conversion.
16. **Open space.** Each dwelling unit shall be provided with accessible on-site open space consistent with Zone Standards in effect at the time of conversion.
17. **Shock mounting of mechanical equipment.** All permanent mechanical equipment, including domestic appliances, shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner to lessen the transmission of vibration and noise.
18. **Trash enclosures.** Required trash enclosures shall be in compliance with City standards at the time of conversion.
19. **Additional standards.** Additional standards applicable to the site as determined through the Site Plan Review process.

E. Tenants' rights.

1. The subdivider shall adhere to all applicable noticing requirements of the California State Subdivision Map Act.
2. The subdivider shall furnish tenants with a copy of this Section.
3. The subdivider shall not increase tenant's rents for a period of one year from providing to such tenants notification of intent to convert.
4. Upon notice of termination of tenancy, the subdivider shall provide a relocation allowance equal to 2 months current rent to all current, non-purchasing tenant households that received notification of intent to convert subsequent to entering into a rental or lease agreement.
5. The subdivider shall grant an extension of tenancy at the time of termination as necessary to permit each tenant of the proposed condominium project in attendance at a K-12 school within the City to complete the current school term.

F. Findings. The Planning Commission may approve a Site Plan Review application for a condominium conversion if it finds that the proposed conversion project meets the following:

1. All the provisions and standards for conversion of a project to condominiums as set forth in this Section are met.
2. A Tentative Map has been approved, or is concurrently being approved, for the condominium conversion project.
3. The overall design and physical condition of the condominium conversion achieves a high standard of safety, quality, and appearance.
4. The subdivider has not engaged in coercive, retaliatory eviction or action regarding tenants after the submittal of the first application for City review through the date of approval.

17.400.045 - Drive-In and Drive-Through Facilities

This Section provides standards for the location, development, and operation of drive-in and drive-through facilities, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness.:

A. Development standards for drive-in/drive through facilities.

1. **Drive aisle length.** The drive through aisle shall provide a minimum of 140 feet of queuing length, of which at least 60 feet shall be provided before an on-site menu board. The drive aisle shall be measured along the centerline from the entry or beginning of a drive-aisle, to the center of the farthest service window area.
2. **Drive aisle width.** Drive aisles shall have a minimum 10 foot interior radius at curves and a minimum 12 foot width.

3. **Drive aisle separation.** Each drive aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property, or access to any off-street parking spaces.
4. **Drive aisle entrance.** Each entrance to a drive aisle and the direction of traffic flow shall be clearly designated by signs and/or pavement markings as deemed necessary by the Director.
5. **Walkways.** Pedestrian walkways should not intersect the drive aisles to the extent possible. Where they do, they shall have clear visibility and be emphasized by enhanced paving or markings as deemed necessary by the Director.
6. **Screening.** Each drive aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjoining land uses, public rights-of-way, and parking lots, as deemed necessary by the Director,
7. **Decorative wall.** A 6 foot high solid decorative masonry wall shall be constructed on each property line that adjoins a residential developed parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.
8. **No reduction in parking.** The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.

17.400.050 – Firearms Sales

This Section provides location and operating standards for firearms sales in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. **Distance Separation.** A minimum linear distance of 1,000 feet shall be required to separate all establishments that offer firearms for sale from all other establishments that offer firearms for sale, and from parks, playgrounds, and primary and/or secondary schools.

17.400.055 - Home Occupations

This Section provides standards for home occupations, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards). It is the intent of the City to allow a home occupation within a dwelling unit provided the home occupation is deemed incidental to and compatible with surrounding residential uses:

- A. **Allowed Home Occupations.** The following are deemed appropriate business activities when conducted by the occupants of a dwelling in a manner accessory to and compatible with the residential characteristics of the surrounding neighborhood. Allowable home occupations shall be limited to the following activities:
 1. Art, music and similar fine-art related lessons, and academic tutoring, which do not generate more than six additional vehicle trips to the dwelling each day;

2. Office-type uses, including an office for an accountant, architect, attorney, consultant, insurance agent, licensed therapist, musician, planner, technical advisor, or writer, which do not generate more than six additional vehicle trips to the dwelling each day.
3. Office/information uses that involve the use of a computer, telephone, and other electronic equipment, which do not generate more than six additional vehicle trips to the dwelling each day.
4. Art and craft work (ceramics, painting, photography, sculpture, etc);
5. Sewing (e.g., dressmaking, millinery) and small handcrafts.
6. Other uses the Director deems to be of the same general character as those listed above, and not detrimental to the applicable residential zoning district and surrounding neighborhood.

B. Prohibited Home Occupations. The following list presents examples of commercial uses that are not incidental to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited:

1. Adult business activities or businesses.
2. Businesses that involve the breeding , grooming, harboring, raising, or training of dogs, cats, or other animals on the premises.
3. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation).
4. Dance club or night club.
5. Fortune telling (psychic).
6. Hair, nail, facial, and similar personal care
7. Manufacturing and/or assembly.
8. Massage therapy.
9. Medical and dental offices, clinics, and laboratories.
10. Personal self-storage (mini-storage).
11. Plant nursery.
12. Retail sales (e.g. stock on hand and customers coming to the home are NOT allowed).
13. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit “mobile” minor repair or detailing at the customer’s location).
14. Welding and machining.

15. Other uses determined by the Director not to be incidental to or compatible with residential activities.

C. Operating Standards. Home occupations are an accessory use to the primary residential use of the site, and shall comply with all of the following operating standards.

1. **Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence, and shall not alter the appearance of the dwelling.
2. **Limitations on clients.** No customer or client visits to the site of a home occupation shall be permitted, except for the activities identified in Subsections A.1. and 2., above. A physically or mentally impaired individual who is prevented, by the nature of the impairment, from independent travel, may invite clientele, customers, or patrons to the premises to conduct business that do not exceed more than 6 additional vehicle trips to the dwelling each day.
3. **Visibility.** The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity or storage of materials be visible from the adjoining public right-of-way, or from neighboring residential properties.
4. **Display, sales or storage.** Outdoor display, indoor or outdoor sales, or outdoor storage of materials shall not be allowed on the premises.
5. **Advertising.** Advertising signs on or off the site shall not be allowed.
6. **Parking.** The use shall not significantly impact the on-street parking in the neighborhood.
7. **Safety, occupancy classification.** Activities conducted and equipment or material uses shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of flammable, explosive, or hazardous materials.
8. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances, nor any other negative effect that may be felt, heard, or otherwise sensed on adjoining parcels, as determined by the Director.
9. **Employees.** A home occupation shall have no employees working on the site of the home occupation other than full-time residents of the dwelling.
10. **Deliveries.** The frequency of deliveries shall not exceed that normally and reasonably occurring for a residence, nor shall the types of vehicles.
11. **Motor vehicles.** There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles, and one commercially licensed automobile, pickup truck, or van.
12. **Equipment.** The use of power equipment not normally associated with a residence shall not be allowed as part of a home occupation, nor shall any other mechanical equipment.

- 13. Utility services modifications.** The home occupation use shall not have utility service modifications, other than those required for normal residential use, that would be classed as commercial or industrial in load or design.

17.400.060 - Live/Work Development Standards

Pending City Council Action.

17.400.065 – Mixed Use Development Standards

Pending City Council Action.

17.400.70 – Outdoor Dining

This Section provides location, development, and operating standards for outdoor dining facilities in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

- A. Definition.** As used in this Section, an outdoor dining area is a place on the public sidewalk or private property where patrons may consume food and/or beverages provided by an adjacent food service establishment. The establishments may either provide table service in the outdoor dining area or sell take-out items consumed in the outdoor dining area.
- B. Outdoor Dining (Public Right of Way).**
- 1. Standards and procedures.** All standards and procedures for the operation of outdoor dining areas in the public right of way are contained in City Council Resolution No. 96-R008, and in Section 9.08.035 (Use of Sidewalks for Outdoor Dining) of the Municipal Code.
 - 2. Agreement required.** Outdoor dining on the public sidewalk may only occur subject to an Outdoor Dining License Agreement approved by the City Engineer in compliance with Section 9.08.035 (Use of Sidewalks for Outdoor Dining) of the Municipal Code.
 - 3. Sale of alcoholic beverages.** Establishments serving alcoholic beverages that apply for an Outdoor Dining License Agreement shall meet the additional requirements of the State Alcohol Beverage Control Board. Sale of the alcoholic beverages in outdoor dining areas shall comply with Section 17.400.015 (Alcoholic Beverage Sales).
 - 4. Parking.** All space used for outdoor dining on the public sidewalk shall be added to the gross square footage of the food service establishment when calculating parking requirements, as specified in Section 17.320.020 (Number of Parking Space Required).
- C. Outdoor Dining (Private Property).**
- 1. Review requirement.** An outdoor dining or seating area shall require the approval of an Administrative Use Permit, and shall be developed in compliance with an approved site

plan which indicates the areas dedicated for outdoor dining and the maximum seating capacity for the outdoor dining area.

2. Location requirements.

- a. The outdoor dining area shall be located directly adjacent to the food service establishment which it serves.
- b. When located immediately adjacent to a residential use, provisions shall be made to minimize noise, light, and odor impacts on the residential use.

3. Operating requirements.

- a. **Outdoor cooking.** Cooking within an outdoor dining area may occur only with Administrative Use Permit approval.
 - b. **Placement of tables.** Tables shall be placed only in the locations shown on the approved site plan.
 - c. **Hours of operation.** The hours and days of operation on the outdoor dining area shall be identified in the approved Administrative Use Permit.
 - d. **Clean-up and maintenance.** Outdoor dining areas shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.
- 4. Lighting.** Illumination for outdoor dining areas shall be installed to prevent glare onto, or direct illumination of, any residential property or use, in compliance with Section 17.300.040 (Outdoor Lighting).
- 5. Landscaping.** All outdoor dining areas shall include some landscaping. A landscape plan for the outdoor dining area may include the use of planter boxes and permanent vegetation, which shall comply with Chapter 17.310 (Landscaping).
- 6. Parking.** All space used for outdoor dining shall be added to the gross square footage of the food service establishment when calculating parking requirements, as specified in Section 17.320.020 (Number of Parking Space Required).
- 7. Sale of alcoholic beverages.** Outdoor dining areas serving alcoholic beverages shall meet and be in compliance with the requirements of the State Alcohol Beverage Control Board and Section 17.400.015 (Alcoholic Beverage Sales).
- 8. Design compatibility.**
- a. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structures.
 - b. The use of awnings, plants, umbrella, and other human scale elements is encouraged to enhance the pedestrian experience if applicable.

- c. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Director. Mitigation measures should be utilized to eliminate potential impacts related to glare, light, loitering, and noise.
 - d. Outdoor dining areas shall not inhibit vehicular or pedestrian traffic flow.
9. **Additional standards.** At the discretion of the Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor dining area.
- a. Amplified sound and music may be prohibited within the outdoor dining area.
 - b. A sound buffering, acoustic wall may be required along property lines adjacent to the outdoor dining area. The design and height of the wall shall be approved by the Director.
 - c. Separation by a physical barrier to define the limits of the outdoor dining space may be required, with the design to be approved by the Director.

17.400.075 - Outdoor Retail Sales and Display

This Section provides location, development, and operating standards for outdoor retail sales and display on privately owned property in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. **Accessory Outdoor Display.** Outdoor displays incidental and complementary to an allowed use on commercially zoned parcels shall be subject to the approval of an Administrative Use Permit approved by the Director, and all of the following standards:
- 1. Outdoor displays shall be:
 - a. Approved and kept within a defined and fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic.
 - b. Directly related to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site.
 - c. Limited to the hours of operation of the business and portable and removed from public view at the close of each business day.
 - d. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair.
 - e. Placed to avoid obstruction of structure entrances and on-site driveways.

2. Outdoor displays shall not be:
 - a. Placed within 100 feet of any residential dwelling, except for mixed-use projects.
 - b. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes.
 - c. Counted toward the gross floor area in determining the parking requirement for the use.
 - d. Permitted to include signage graphics, balloons, banners, flags, streamers, wind activated devices, or other similar devices within the display area, except for building or freestanding signs pursuant to Chapter 17.330 (Signs).

17.400.080 - Outdoor Storage

This Section provides location and operating standards for the establishment of outdoor or open storage of materials in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

A. Location. The storage shall:

1. Be ancillary to the primary use of the main structure;
2. Not comprise more than 25 % of the total gross land area of the subject parcel;
3. Be paved in compliance with City standards;
4. Not be located within a required off-street parking or loading area.

B. Enclosure Required. An outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate. The Director may allow the substitution of a solid fence, after determining that the substitution would adequately comply with the provisions of this Section.

1. The required wall or fence shall:
 - a. Not be less than 6 feet nor more than 8 feet in height.
 - b. Incorporate design elements to prohibit or prevent easy climbing and access by unauthorized persons.
 - c. Be subject to the approval of the Director.
2. Walls abutting a right of way shall comply with Section 17.300.030 (Fences, Hedges, and Walls).

C. Operations. All raw materials, equipment, or finished products stored shall:

1. Be stored in a manner that they cannot be blown by wind from the enclosed storage area.

2. Not be stored above the height of the enclosing wall or fence within 10 feet of the wall or fence.
 3. Not be placed outside the enclosed storage area.
 4. If abutting a residential zoning district, only be accessed between 8:00 a.m. and 10:00 p.m., to avoid being a nuisance to neighbors.
- D. Landscaping.** Landscaping shall be installed, wherever possible, to lessen the visual impact of the outdoor storage area. The design, installation, and maintenance of the landscaping shall comply with Chapter 17.310 (Landscaping).

17.400.085 - Pawnshops

This Section provides location and operating standards for pawnshops in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. Distance separation.** A minimum linear distance of 1,000 feet shall be required to separate all pawnshops from another existing pawnshop, check cashing business, park, playground, primary and/or secondary school, and single-family zoned property.
- B. Plans required.** Development plans shall be submitted with the application for the Conditional Use Permit required for pawnshops, clearly illustrating the details of the proposed exterior (e.g., elevations, lighting, signs, etc.), interior (e.g., layout and design, lighting, window display, etc.), days and hours of operation, and customer queuing in order to ensure that the use shall be developed and operated in a manner compatible with an attractive, stable, and thriving commercial district conducive to retail shopping; and
- C. Prohibited hours of operation.** Pawnshops shall be prohibited from public operations between the hours of 9:00 p.m. and 9:00 a.m.

17.400.090 - Recycling Facilities

This Section provides location, development, and operating standards for various types and sizes of recycling facilities, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. Permit requirements.** Recycling facilities are subject to permit review/approval in compliance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), provided that the development standards established in this Section are met.
- B. Definitions.** The following words and phrases as used in this Title are defined as follows:

Recycling Facilities. Facilities open to the public for the collection or processing of recyclable material, subject to certification under the California Beverage Container Recycling and Litter Reduction Act, which include the following types of facilities:

1. **Incidental Small Collection Recycling Facility.** A use which is incidental to a primary use of property and is established for the acceptance of recyclable materials from the public,

occupying less than 500 square feet. Incidental small collection recycling facilities may include the following as defined in this Chapter:

- a. One or more single reverse vending machines in a grouping that includes separate containers adjacent to each machine.
 - b. Recyclable material containers which do not utilize power driven processing equipment.
2. **Small Collection Recycling Facility.** A use subordinate to and different from the main use of property, which subordinate use is established for the acceptance of recyclable materials from the public, occupies an area no larger than 1,200 square feet and which involves no permanent structures. A small collection facility may include the following:
 - a. One or more bulk reverse vending machines.
 - b. A mobile recycling unit
 - c. Kiosk type units.
3. **Large Collection Recycling Facility.** A collection facility that is larger than 1,200 square feet and is the main use of the property and may include permanent structures. For the purposes of this definition, the area shall be composed of the cumulative total of all permitted recycling facilities on a site, lot or parcel. The use is established for the acceptance and storage of recyclable materials from the public.
4. **Recyclable Material.** Aluminum, glass, plastic, paper and other items which are intended for remanufacture or reconstitution for the purpose of reuse in an altered or renewed form. Refuse or materials deemed hazardous by the Culver City Fire Chief are expressly excluded from this definition.
5. **Reverse vending machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
6. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
7. **Recycling Facility, Processing.** A building or enclosed space used for the collection and processing of recyclable materials for efficient shipment, or to an end user's specifications, through baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, remanufacturing and other methods.

C. Standards for Specific Types of Recycling Facilities.

1. **Reverse Vending Machines.** Reverse vending machines shall comply with the following standards:
 - a. **Accessory use only.** The machines shall be installed as an accessory use in compliance with the applicable provisions of this Title, and shall not require additional parking.
 - b. **Location Requirements.** If located outside of a structure, the machines shall not occupy required parking spaces, and shall be located within 30 feet of a building entrance, and shall be constructed of durable waterproof and rustproof materials.
 - c. **Maximum size.** When located outdoors, the area occupied by the machines shall not exceed 50 square feet, including any protective enclosure, nor 8 feet in height.
 - d. **Signs.** Signs shall not exceed a maximum of 4 square feet on each machine, exclusive of operating instructions.
 - e. **Hours of operation.** The machines shall have operating hours which are the same as the operating hours of the primary use.
 - f. **Lighting.** The machines shall be illuminated when needed to ensure comfortable and safe operation as determined by the Director.
2. **Small Collection Facilities.** Small collection facilities shall comply with the following standards.
 - a. **Location requirements.** Small collection facilities shall:
 - i. Not be located within 100 feet of any parcel zoned or occupied for residential use;
 - ii. Be set back at least 10 feet from any public right of way, and not obstruct vehicular or pedestrian circulation.
 - b. **Maximum Size.** A small collection facility shall not occupy more than 1,200 square feet nor more than 6 parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 - c. **Appearance of facility.** Collection containers and any site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.
 - d. **Operating standards.** Small collection facilities shall:
 - i. Not use power-driven processing equipment, except for reverse vending machines.
 - ii. Accept only glass, metal or plastic containers, paper, clothing, and reusable items; and

- iii. Use containers that are constructed with durable waterproof and rust proof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.
- iv. Not exceed noise levels of 50 dBA as measured at the property line of the nearest residentially zoned or occupied property, and in no event more than 60 dBA.
- v. Collection of recyclable materials and normal maintenance of the facility shall only be performed during the following hours.
 - (a) Mondays through Fridays: from 7:00 am to 6:00 pm
 - (b) Saturdays: from 8:00 am to 6:00 pm.
 - (c) Sundays: from 9:00 am to 6:00 pm
 - (d) If emergency maintenance or repairs must be performed during other hours, the Culver City Police Department shall be notified prior to performing the maintenance or repairs.
- vi. Containers for the 24 hour donation of materials shall be at least 100 feet from any residentially zoned property unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.
- vii. Shall be free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- e. **Signs.** Notwithstanding any other Municipal Code provision, the following information shall be displayed for each facility on one or more signs that collectively do not exceed 16 square feet.
 - i. Identification of the types of material to be deposited.
 - ii. Operating instructions.
 - iii. Hours of Operation
 - iv. Telephone number of the operator, responsible person or company.
- f. **Lighting.** The collection facilities shall be illuminated when needed to ensure comfortable and safe operation as determined by the Director.
- g. **Planters.** The facility should, wherever feasible, be located adjacent to an existing planter area if pedestrian or vehicular circulation will not be obstructed or screened with additional landscaping as determined by the Director.

- iii. Noise levels shall not exceed 50 dBA as measured at the property line of residentially zoned or occupied property, and in no event more than 60 dBA.

4. Processing facilities. Processing facilities shall comply with the following standards.

- a. **Location requirements.** The facility shall not abut a parcel zoned or occupied for residential use or noise sensitive receptors (such as hospitals and schools) and shall be located within an enclosed building except for incidental storage. Facilities must be at least 500 feet from residential property or noise sensitive receptors.
- b. **Limitation on use.** Processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
- c. **Container location.** Containers provided for 24-hour donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials.
- d. **Screening.** A processing facility shall be located within an area enclosed on all sides by a solid masonry wall, not less than 8 feet in height, and landscaped on all street frontages.
- e. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Stored material, excluding truck trailers, shall not be visible above the height of the required solid masonry walls.
- f. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, and free of litter and debris, shall not be detectable on adjoining parcels.

17.400.095 – Residential Uses - Accessory Dwelling Units

This section establishes the standards for the development of an Accessory Dwelling Unit in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

- A. **Minimum Lot Size.** A minimum lot size of 6,000 square feet shall be required for the construction, use and maintenance of accessory dwelling units.
- B. **Maximum Unit Size.** The maximum permitted unit size may be up to 1/2 the gross square footage of the primary dwelling unit on the lot, but shall not exceed 600 gross square feet in floor area.
- C. **Minimum Unit Size.** The minimum unit size shall be 220 gross square feet.
- D. **Zones in which Accessory Dwelling Units may be Constructed.** The construction, use, and maintenance of accessory dwelling units shall only be permitted in the R1, R2 and R3 Zones.

- E. **Density.** Accessory dwelling units shall be permitted on properties with no more than one existing dwelling unit currently on the site. No more than one accessory dwelling unit is allowed on a property.
- F. **Minimum Room Dimensions.** Minimum room dimensions, including ceiling heights, floor area and width, shall meet the Uniform Building Code regulations in effect at the time of construction.
- G. **Location.** Accessory dwelling units shall be located behind the primary dwelling.
- H. **Parking.** One uncovered non-tandem parking space shall be required for an accessory unit. Required parking may not be located within the front setback area leading to the required covered parking. No tandem parking is permitted unless it is adjacent to an alley. If access to parking for the accessory dwelling unit is provided from an alley, the applicant shall pay a pro-rata share for the paving of an unpaved alley.
- I. **Habitability.** Accessory dwelling units shall be fully habitable and shall include kitchen and bathroom facilities. A maximum of one separate bedroom shall be permitted per unit.
- J. **Occupancy Restrictions.** There shall be no occupancy restrictions on the accessory unit however, the applicant for an accessory unit pursuant to this section must be a resident property owner.
- K. **Setbacks.** The setback requirements for an accessory dwelling unit shall be the setback requirements of the Zone in which the dwelling unit is located.
- L. **Conversion of Nonconforming Structure.** When an existing nonconforming accessory structure is converted to an accessory dwelling unit, the required setbacks for the zone in which the unit is located must be provided. Legal nonconforming setbacks must be brought into conformance with the zoning regulations in effect at the time the unit is converted.
- M. **Design Standards.** Specific design standards to encourage design compatible with existing structures on-site and to protect the privacy of adjacent properties may be applicable to the project as determined by the Administrative Use Permit process.
- N. **Additional Standards.** All other standard requirements shall apply according to the zone in which the subject property is located; including but not limited to, open space, building height and distance between structures.

17.400.100 – Residential Uses - Accessory Residential Structures

This Section provides standards for accessory structures allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards):

A. General Requirements for Residential Accessory Structures.

- 1. **Relationship of accessory use to the main use.** Accessory uses and structures shall be incidental to and not alter the residential character of the site.

2. **Allowable heights.** The maximum allowable heights of residential accessory structures are specified in Table 4-2, Maximum Heights for Residential Accessory Structures, below.

**TABLE 4-2
MAXIMUM HEIGHTS FOR RESIDENTIAL ACCESSORY STRUCTURES**

Applicable Zoning District	Maximum Height
Single-Family Residential (R1), Two-Family Residential (R2) and Three-Family Residential (R3) zoning districts.	26 ft
Low density Multiple Residential (RLD), Medium Density Multiple Residential (RMD) and High Density Multiple Residential (RHD) zoning districts.	30 ft

3. **Allowable setbacks.**

- a. The structure shall have a setback of at least two feet from every perimeter property line, except that the setback shall be the same as required for the primary dwelling in the zoning district in which the accessory structure is located whenever the accessory structure:
 - i. Exceeds 12 feet in height; or
 - ii. Is within a setback facing a public street right-of-way.
- b. If the structure is a carport or garage, it shall be set back from a public street right-of-way as necessary to conform with the requirements of Section 17.320.035.N. (Special Parking Requirements for Residential Uses).
- c. Exceptions. The following structures are exempt from the accessory structure setback requirements:
 - i. Movable structures not exceeding 12 feet in height including children's play equipment, pet shelters, and similar structures may be placed within a required side or rear setback without limitation on location.
 - ii. Trash enclosures may be placed within a required rear or side setback without limitation on location.

4. **Site coverage.** Roofed accessory structures shall not occupy more than 50% of the required rear or side setbacks, provided that the Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50% is substituted elsewhere on the site, provided that:
- a. The Director determines that the usability and location of the substitute area is equally satisfactory.
 - b. The substitute area does not exceed a slope of 10%, and has no dimension less than 15 feet.

17.400.105 – Residential Uses - Multifamily Residential Standards

This section provides development and operation standards for multi-family residential projects, addressing the requirements for private and common open space, laundry facilities, and other required project features in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).

- A. Open Space Requirements.** All multi-family residential projects shall provide permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space) as required in Chapter 17.210 (Residential Zoning Districts).

1. Configuration of open space.

- a. Location on site.** Required open space areas:

- i.** Shall be easily accessible.
- ii.** Shall be provided as continuous, usable site elements, which may include setback areas at ground level.
- iii.** Private open space shall be at the same level as, and immediately accessible from, a kitchen, dining room, family room, master bedroom, or living room within the unit. Variations from these dimensional and locational standards may be allowed where it can be shown that the required private open space meets the intent and purpose of this section as determined by the Director. Provision of private open space shall not reduce the common open space requirements of this section.

- b. Rooftop open space.** Private open space and up to 40% of the common open space may be located on a rooftop, provided that they:

- i.** Include substantial active or passive recreational facilities and/or landscaping as approved by the Director.
- ii.** Are determined by the Director to be located and designed so as to not impair privacy or cause other nuisance problems for residents on the same site or on adjacent parcels.
- iii.** Comply with the limitations in subsection A.1.c., below.

- c. Dimensions.** All open space areas shall be of sufficient size to be usable by residents as determined by the Director.

- i.** Private open space areas shall have a minimum dimension of 7 feet, and a configuration that would accommodate a rectangle of at least 100 square feet.

- ii. Common open space areas shall have a minimum dimension of 15 feet, which may include a combination of open space and adjacent setback area.
 - d. **Uncovered areas required.** At least 33% of the perimeter of the private open space of each unit, or 100% of the roof of the open space of each unit, shall be open to the outdoors. Reference to this requirement shall be included in the Covenants, Conditions, and Restrictions of any common interest development.
- 2. **Allowed uses.** Required common open space:
 - a. Shall be available for passive and active outdoor recreational purposes for the enjoyment of all residents of each multi-family project.
 - b. Shall not include driveways, public or private streets, parking spaces, or utility easements where the ground surface cannot be used appropriately for open space, or other areas primarily designed for other operational functions.
- 3. **Maintenance and control of common open space.** Required common open space shall be controlled and permanently maintained by the owner of the property or by a homeowners' association. Provisions for control and maintenance shall be included in any property covenants of common interest developments.
- 4. **Surfacing.** Open space areas shall be surfaced with any practical combination of turf, paving, decking, concrete, or other serviceable material.
- 5. **Landscaping.** The applicant shall submit a landscape plan for approval by the Director. Landscape design, installation, and maintenance shall comply with Chapter 17.310 (Landscaping).
- 6. **Slope.** Required open space areas shall not exceed a slope of 10%.

B. Facility and Design Requirements.

- 1. **Front yard paving.** No more than 45% of the total area of the front yard setback shall be paved for walkways, driveways, and other hardcover pavement.
- 2. **Laundry facilities.** All residential developments with 4 or more dwelling units shall provide common laundry facilities, except developments with facilities provided within each unit.
 - a. **Keyed access.** Laundry facilities shall be provided with keyed access for "tenants only."
 - b. **Location.** The facilities shall be evenly dispersed throughout the multi-family development and easily accessible to all tenants as approved by the Director.
- 3. **Outdoor lighting.** Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with Section 17.300.040 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the

development and away from adjacent properties. Lighting of at least 1-foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks and adjacent properties. All proposed lighting shall be shown on the required landscape plan.

4. **Storage area.** A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with a minimum dimension of 30 inches. The design, location, and size of the storage space shall be subject to the approval of the Director.
5. **Solid waste recycling.** Each project shall incorporate innovative designs, both interior and exterior, to make solid waste recycling more convenient and accessible to the occupants.

17.400.110 – Telecommunications Facilities

A. Purpose. This Section provides location, development, and operating standards for telecommunications facilities (e.g., dish antenna and cellular mobile radio telephone utility facilities), in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards) and in accordance with Municipal Code Sections 15.02.600 through 15.02.625.

B. Definitions. The following words and phrases, as used in this Section are defined as follows:

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission and/or reception of electromagnetic radiation waves, including devices with active elements extending in any direction, and directional parasitic arrays with elements attached to a generally horizontal boom which may be mounted on a vertical support structure.

Building or Roof Mounted. An antenna mounted on the side or top of a building or another structure (e.g. water tank, billboard, church steeple, freestanding sign, etc.), where the entire weight of the antenna is supported by the building, through the use of an approved framework or other structural system which is attached to one or more structural members of the roof or walls of the building.

Cellular. An analog or digital wireless communication technology that is based on a system of interconnected neighboring cell sites, each of which contains antennas.

Cellular mobile radio telephone utility facility. A type of remote communication installation that includes a grouping or series of antennas that transmit, relay, and receive radio waves, together with equipment that is functionally integrated into a communication system, that is located on a cell site that is part of a network for transmission of telephone service.

Co-location. The locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility.

Dish Antenna. A parabolic, dish-like antenna which transmits and/or receives electromagnetic waves by line of sight.

Ground-Mounted Antenna. An antenna the entire weight of which is supported by a manufacturer and/or installer specified and City approved platform, framework, pole or other structural system, which system is affixed directly on or in the ground by a foundation and which system is free-standing, excluding lateral bracing to a building.

Height. The vertical distance between the highest point of a dish antenna when actuated to its most vertical position and the grade below for a ground-mounted dish antenna, and to the roof below for a roof-mounted dish antenna.

Monopole. A structure composed of a single spire used to support antennas and related equipment.

Primary Dish Antenna Facility. A facility which is the primary use of a site consisting of 1 or more dish antennas, the ancillary structures and electronic equipment necessary to support or operate the antennas, and offices for the business selling transmission services.

Reasonable Functional Use. The positioning of a dish antenna which permits substantially unobstructed line of sight with geosynchronous orbiting satellites or microwave dish antennas from or to which the dish antenna receives or transmits electromagnetic waves.

Satellite Dish Antenna. An antenna for the home, business or institutional reception of television, data, and other telecommunications broadcasts from orbiting satellites.

C. Dish Antenna Regulations.

1. **Small satellite dish antennas.** Satellite dish antennas with a maximum diameter of 24 inches for residential installations, up to a maximum of 2 per dwelling unit; and 78 inches for commercial installations are regulated by Federal law and are exempt from the requirements of this Section. When placed on an historic "Landmark" or "Significant" designated building, per Chapter 15.05, satellite antennas shall comply with the U.S. Secretary of the Interior standards. Compliance with those standards is met if the satellite antenna is placed so that it has no public visibility and does not permanently alter any design feature or element of an historic "Landmark" or "Significant" designated building. If compliance with the U.S. Secretary of the Interior standards cannot be met, alternate locations that still allow reasonable, functional use of the satellite antenna shall be examined and an Administrative Certificate of Appropriateness may be required.
2. **Quantity and permit requirements.** Table 4-3 below outlines the quantity and permit requirements for dish antennas other than satellite dish antennas exempted above. All dish antennas shall be installed, modified and maintained in accordance with Chapter 15.02 of the Municipal Code and the design provisions set forth in Section 17.400.130.4, below.

TABLE 4-3 - DISH ANTENNA QUANTITY AND PERMIT REQUIREMENTS

Location	Size	Quantity	Permit Required	Notes
All Residential Zones	Larger than 24 inch in diameter.	1 per lot or 1 per multifamily residential complex.	Building permit only.	No transmitting dish antenna shall be permitted in a residential zone.
Non-residential zones	Less than 6.5 feet in diameter.	3	Building permit only.	Receiving and/or transmitting permitted. Must be ancillary to a primary use.
Non-residential zones	6.5 feet in diameter to 12 feet in diameter.	3	Administrative Use Permit.	Receiving and/or transmitting permitted. Must be ancillary to a primary use.
Non-residential zones	Greater than 12 feet in diameter.	3	Conditional Use Permit	Receiving and/or transmitting permitted. Must be ancillary to a primary use.
Non-residential zones	Primary Dish Antenna Facility.	As determined by CUP.	Conditional Use Permit	Receiving and/or transmitting permitted. Must be a primary use.
IL, IG and S zones	Larger than 24 inches in diameter.	4 or more.	Administrative Use Permit, if completely screened (1). Conditional Use Permit, if not completely screened (2).	Receiving and/or transmitting permitted. Must be ancillary to a primary use.

Notes: (1) Completely screened shall mean that the tallest portion of the antenna(s) structure(s) is/are at, or, below the tallest portion of the screening or parapet wall.

(2) Not completely screened shall mean that some, or all, of the antenna(s) structure(s) is/are visible from adjoining properties and/or public rights of way.

- 3. Design standards.** Every dish antenna shall be installed, modified and maintained in compliance with the provisions of Chapter 15.02 of the Municipal Code and with the following standards:

a. Installation requirements.

- i.** All dish antennas larger than 24 inches in diameter shall be ground-mounted unless the City determines, after considering all applicable regulations of this Chapter and the particular characteristics of the site and improvements whereon a dish antenna is proposed, that a ground-mounted installation is not reasonably feasible or that a roof-mounted installation would better enable screening of the

antenna as required in Subsection 4.f., below. The Director may determine that a ground-mounted installation may not be reasonably feasible when:

- (a) The ground mounted installation would not provide reasonable functional use when installed at the maximum height and maximum diameter anywhere on the parcel as permitted by this Section; or
- (b) The ground mounted installation is precluded from location anywhere on the parcel by other requirements of this Chapter, including but not limited to off-street parking.
- (c) The ground mounted installation impedes on vehicular or pedestrian circulation and access.

- ii. The City may require a roof-mounted installation if the City determines that a roof-mounted installation is superior to a ground-mounted installation for purposes of screening.

b. Location, height and setbacks. Every dish antenna shall comply with the location, height and setback regulations of this Title, except that:

- i. No dish antenna shall be installed at a height greater than that approved by the City. In determining the maximum allowable height, the City shall consider the manufacturer's and/or installer's recommended specifications and the heights and potential line of sight obstructions resulting from nearby terrain, structures, landscaping and other features having mass impenetrable by electromagnetic waves; and
 - ii. A roof-mounted dish antenna may be permitted to exceed the maximum allowable building height, but in no case by more than 10 feet. The dish antenna shall be mounted above the roof no higher than is absolutely necessary to safely clear the roof when actuated to its most vertical position.
- c. Actuation.** A dish antenna may be actuated provided applicable height and screening regulations of this Section are met with the dish antenna in its most vertical position, and provided applicable setback regulations of this Section are met with the dish antenna in its most horizontal position.
- d. Color.** No dish antenna shall be of a bright, shiny or glare reflective finish. Every dish antenna shall be finished in colors to insure compatibility with the site and the surrounding area, as determined by the Director.
- e. Graphics and Signs.** No dish antenna shall be used to display a sign or any other graphic. For purposes of this Section, a graphic shall include any display or arrangement of 2 or more colors, patterns dots, lines or other symbols or characters, the primary use or purpose of which, as determined by the Director, is to attract attention to the dish antenna, its manufacturer or its user. A manufacturer's identification label and/or any government required identification or safety labels may be affixed to the backside of the dish or the structural support for the antenna.

f. Screening.

- i. Every dish antenna larger than 24 inches in diameter shall be screened to the City's satisfaction. In determining acceptability of screening, the City shall take into account:
 - (a) All existing and/or proposed improvements on and adjacent to the site, including landscaping, walls, fences or other specifically designed devices which preclude or minimize the visibility of the antenna;
 - (b) The grade of the site on which the dish antenna is proposed as related to surrounding, nearby grades of properties and public street rights-of-way;
 - (c) The height of the building(s) on and adjacent to the site above or on which the dish antenna is proposed to be mounted;
 - (d) The configuration of roofline(s) of the building(s) on and adjacent to the site;
 - (e) The general existing aesthetic composition and character of the surrounding neighborhood; and
 - (f) Any other circumstances the City considers relevant.
- ii. No dish antenna greater than 24 inches in diameter shall be permitted on or above that part of a pitched roof sloping towards and having visibility from a street facing property line.
- iii. Where, based on the foregoing considerations, the City determines full 4 sided screening is not reasonably feasible, the emphasis for screening shall be placed from the following prioritized views:
 - (a) From all adjoining public streets;
 - (b) From all adjoining residentially zoned properties;
 - (c) From nearby public streets;
 - (d) From nearby residentially zoned properties; and
 - (e) From adjoining and nearby nonresidential zoned properties.
- iv. Approval of screening may include reasonable conditions deemed by the City necessary to minimize the visual impact of a dish antenna.
- g. **Security.** Every ground-mounted dish antenna shall be secured from access to the general public by fencing or another deterring device or means as the City may approve or require so that the antenna is not an attractive nuisance.
- h. **Material.** The City may require a dish antenna to consist of solid or mesh material as determined most effective in minimizing the appearance of the dish if it is not fully screened.

4. Plans and permits.

- a. In addition to the procedures established in Subsection 3 (Quantity and permit requirements), no dish antenna shall be installed or modified except in accordance with plans and a building permit approved by the City. In addition to complying with the structural and electrical requirements of Chapter 15.02 of the Municipal Code, the plans filed with the building permit application shall include a site plan, drawn to scale and by dimension, showing all dish antenna and site specific information and details necessary for the City to determine compliance with all applicable provisions of this Chapter. The City may require supplemental information to be filed with the building permit application and basic site plan pursuant to this subsection.
 - b. In addition to the above, plans filed for a transmitting dish antenna shall include microwave interference and radiation data and specifications, all other information required to be filed with the Federal Communications Commission (FCC) in support of the required application for an FCC license, and any other plans and information the City deems relevant.
 - c. Once a building permit for a dish antenna has been issued by the City and installation pursuant thereto has started, all work and improvements per the approved plans and permit shall be completed within 6 months. Failure to complete the work and improvements within 6 months shall be grounds for the City to revoke the permit and require removal of the dish antenna.
 - d. The City may condition any building permit for a dish antenna issued pursuant to this Section upon the removal or modification of any other antennas on the site which are nonconforming with applicable Code requirements.
5. **Exceptions.** The provisions of this Section may be modified or waived by the City in the following cases:
- a. National defense or security dish antenna installations; and
 - b. Any receiving dish antenna located in such a manner as to be invisible from any off-site view.
6. **Exemptions.** The provisions of this Section do not apply to the following:
- a. Temporary installations for testing for telecommunications purposes only, not to exceed 3 days duration on any 1 lot or parcel for each such purpose;
 - b. Portable dish antennas not to exceed 6 feet in diameter and 35 pounds in weight when set free-standing on the ground in a side yard or rear yard area which is screened from view from any adjoining public street right-of-way as would be required for a permanent installation.

D. Cellular Mobile Radio Telephone Utility Facilities.

- 1. **Site selection, order of preference.** An application for the approval of a cellular wireless communication facility shall include written documentation provided by the applicant which demonstrates a good faith effort in locating facilities in compliance with this Subsection. Cellular wireless communication facilities shall be located in the following order of preference:

- a. On existing buildings (e.g. a rooftop, church steeple, rooftop stairwell or equipment enclosures, etc.).
 - b. Co-location facilities.
 - c. In locations where the existing topography, vegetation, or other structures provide the greatest amount of screening.
 - d. On parcels which will not require significant visual mitigation.
- 2. **Design standards.** Every facility shall be designed, installed, modified, and maintained in compliance with following standards:
 - a. **Location, height and setbacks.**
 - i. More than 1 facility shall be allowed on a site at the Director's discretion.
 - ii. The facility shall comply with the height and setback requirements for the zoning district in which it is located.
 - iii. The facility shall not be located in a required parking, maneuvering, or vehicular/ pedestrian circulation area.
 - b. **Screening.** The facility shall be screened from adjacent and nearby public rights-of-way and properties. Screening shall be accomplished through the following specific or equivalent measures, as applicable and as determined by the Director:
 - i. The antennas shall be located in or on existing building features or other site improvements wherever possible, as opposed to creating new building features, site improvements, or monopoles for the support of the antennas.
 - ii. If new building features or other site improvements are necessary for the support of the antennas, they shall be minimized in scale or be designed to architecturally match or compatibly blend with the structure and site to which they are added, and shall not be higher than 13 and 1/2 feet above the roof.
 - iii. If monopoles are necessary for the support of the antennas, they shall be located near existing utility poles, trees, or other similar objects; consist of colors and materials (e.g., metal or creosote wood) that best blend with their background; and have no individual antennas on the poles other than those approved with the subject Administrative Use Permit.
 - iv. Unless otherwise expressly approved, all cables for a facility shall be fully concealed from view and placed underground or inside of the screening or monopole structure supporting the antennas.
 - v. The facility shall comply with all additional measures deemed necessary to mitigate the visual impact of the facility, as determined by the Director.

- c. **Signs.** Except for required or allowed safety-oriented signs, no facility shall display signs. The telephone numbers to contact in an emergency shall be posted on each facility.
- d. **Security.** Every facility shall be secured from access to the general public by fencing or other deterring device or means as the City may approve or require so that the antenna is not an attractive nuisance.
- e. **Colors.** The antennas, equipment, and supporting structure which are not completely screened shall be painted a single neutral, non-glossy color (e.g., earth tones, black, gray, etc.) to match or be compatible with the site and surrounding area as determined by the Director.

3. Plans and permits.

- a. All facilities shall be installed in accordance with the plans and building permit approved by the City. In addition to complying with the structural and electrical requirements of Chapter 15.02 of the Municipal Code, the plans filed with the building permit application shall include a site plan, drawn to scale, showing the location of all antennas, equipment and supporting structures and site specific information and details necessary for the City to determine compliance with all applicable provisions of this Chapter. The City may require supplemental information to be filed with the building permit application and basic site plan pursuant to this subsection.
- b. In addition to the above, plans filed for a facility shall include microwave interference and radiation data and specifications; all other information required to be filed with the Federal Communications Commission (FCC) in support of the required application for an FCC license, and any other plans and information the City deems relevant.
- c. Once a building permit for a facility has been issued by the City and installation pursuant thereto has started, all work and improvements per the approved plans and permit shall be completed within 6 months. Failure to complete the work and improvements within 6 months shall be grounds for the City to revoke the permit and require removal of the facility.
- d. The City may condition any building permit for a facility issued pursuant to this Section upon the removal or modification of any other antennas on the site which are nonconforming with applicable Code requirements.

17.400.115 - Temporary Storage Containers

This Section provides location, development, and operating standards for temporary storage containers, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. **Approval by the Director.** Temporary storage containers shall be allowed subject to approval of a Temporary Use Permit, see Chapter 17.520 (Temporary Use and Special Event Permits) by the Director, and subject to all of the provisions of the applicable zoning district;

- B. Applicability.** Temporary storage containers may be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director. Unusual circumstances include, but are not limited to, construction, business relocation, and natural disasters.
- C. Development standards for temporary storage containers.**
1. A temporary storage container shall:
 - a. Not be visible from a public street;
 - b. Not be located in a required parking or landscape area;
 - c. Be located on-site not more than 180 days during any consecutive twelve-month period, unless an extension is granted by the Director.
 2. Fences, walls, and/or landscaping, or other methods approved by the Director shall be required to properly screen the temporary storage container from a public street, right-of-way, or adjacent residential zoning districts.
 3. No signs, other than the operating company identification, shall be allowed on a temporary storage container.
 4. The use of a temporary storage container for seasonal storage shall be prohibited.

17.400.120 – Vehicle Fueling Stations

This Section provides location, development, and operating standards for vehicle fueling stations in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

- A. Allowable Uses.** Vehicle fueling stations shall be limited to selling vehicle fuels and supplying goods and services required in the operation and maintenance of motor vehicles. These shall include the following:
1. **Automotive retail sales.** The retail sale of batteries, motor fuels, tires, lubricants and oils.
 2. **Repairs.** Incidental minor repairs, including brake, lubrication, tire, and tune up service shall be conducted entirely within an enclosed structure in compliance with the standards in Section 17.400.120 (Vehicle Repair Shops) and where allowed by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards), subject to a conditional use permit.
 3. **Convenience store.** A new or existing vehicle fueling station may include an on site convenience store, as an accessory use where allowed by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards).
- B. Prohibited Uses.** The following uses and services are prohibited at vehicle fueling stations:

1. Autobody and fender repair, painting, upholstery work, and dismantling.
 2. Tire recapping, machine work or welding.
 3. Overhauling, replacement, or repairing of differentials, engines, front suspension, and transmissions;
- C. Operational Standards.** All vehicle fueling stations shall comply with the following operational standards.
1. Location and display of accessories, batteries, and tires for sale shall be on or within 3 feet of the pump island or the main structure's exterior;
 2. No vehicle rental activities shall be conducted on the vehicle fueling station site;
 3. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet and shall be enclosed by a 6 foot high solid decorative masonry wall, subject to the approval of the Director;
- D. Development Standards.** All vehicle fueling stations shall comply with the following development standards.
1. If a vehicle fueling station adjoins a residential zoning district, a 6 foot high solid decorative masonry wall, in compliance with Section 17.300.030 (Fences, Hedges and Walls) shall be installed along the property line that adjoins the residential zoning district.
 2. A 3 foot wide planting strip shall be located on the station site along the entire length of the wall separating the vehicle fueling station from adjacent residentially zoned property and public street rights-of-way, except for driveway openings. All unpaved areas shall be landscaped, in compliance with Chapter 17.310 (Landscaping);
 3. A planter area of not less than 100 square feet shall be provided at the corner of 2 intersecting streets, in compliance with Chapter 17.310 (Landscaping).
 4. Additional landscaping may be required by the Director to screen the vehicle fueling station from adjacent residential properties.
 5. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with Section 17.300.040 (Outdoor Lighting).
- E. Site Maintenance.** All vehicle fueling stations shall comply with the following maintenance standards.
1. Used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles shall not be located outside of the main structure.

2. A refuse storage area, completely enclosed with a masonry wall not less than 5 feet high with a solid gated opening, and large enough to accommodate standard sized commercial trash bins, shall be located to be accessible to refuse collection vehicles.
3. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.

F. Additional Conditions. Additional conditions (e.g., hours of operation, sign regulations, structure materials and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community;

17.400.125 - Vehicle Repair Shops

This Section provides location, development, and operating standards for vehicle repair shops, in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Development Standards):

A. Operational Standards. All vehicle repair shops shall comply with the following operational standards.

1. All work shall be performed within a fully enclosed structure.
2. All structures shall be sufficiently soundproofed to prevent a disturbance or a nuisance to the surrounding properties, in compliance with Chapter 9.07, Noise Regulations, of the Municipal Code.
3. Dismantling of vehicles for purposes other than repair is prohibited.
4. Vehicle parking or loading and unloading shall only occur on-site and not in adjoining public streets or alleys.
5. Vehicles shall not be stored at the site for purposes of sale (unless the use is also approved as a vehicle sales lot).
6. Damaged or wrecked vehicles shall not be stored for purposes other than repair.
7. Location and display of accessories, batteries, and tires for sale shall be on or within 3 feet of the main structure's exterior.
8. No vehicle rental activities shall be conducted on the vehicle repair shop (unless the use is also approved as a vehicle rental lot).
9. All outdoor/open storage of materials shall be limited to a maximum area of 150 square feet and shall be enclosed by a 6 foot high solid decorative masonry wall, subject to the approval of the Director.

- B. Development Standards.** All vehicle repair shops shall comply with the following development standards.
1. All exterior light sources, including canopy, flood, and perimeter shall be energy efficient, stationary, and shielded or recessed to ensure that all light including glare or reflections, is directed away from adjoining properties and public rights-of-way, in compliance with Section 17.300.040 (Outdoor Lighting).
 2. All body damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding properties of the same elevation as determined by the Director.
- C. Site Maintenance.** All vehicle fueling stations shall comply with the following maintenance standards.
1. Used or discarded automotive parts or equipment shall not be located outside of the main structure unless located within an approved outdoor storage area.
 2. A refuse storage area, completely enclosed with a masonry wall not less than 5 feet high with a solid gated opening, and large enough to accommodate standard sized commercial trash bins, shall be located to be accessible to refuse collection vehicles.
 3. Driveways and service areas shall be maintained and kept free of oil, grease, and other petroleum products in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled oil, grease, and other petroleum products without washing them into the drainage, gutter, and sewer system.
- D. Additional Conditions.** Additional conditions (e.g., hours of operation, sign regulations, structure materials and design) may be imposed by the applicable review authority as deemed reasonable and necessary to protect the public health, safety, and general welfare of the community;